

AMENDMENTS TO THE
LOUDOUN COUNTY ZONING ORDINANCE

<u>Section</u>	<u>Title</u>	<u>Date Adopted</u>
400	Permitted Principal Uses and Structures 7. Low density 25 acre residential development 8. Low density 50 acre residential development	10/17/89
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525.1	Off-Street Parking	12/01/84
525.1.3	Off-Street Parking	7/24/83
526.1	Off-Street Loading	12/01/84
535.4.3	Performance Standards	3/05/84
540	Proffered Condition Regulations	6/21/82
545	Determination of Land Use Within Highway Transportation Improvement District.	6/20/88
550	Site Plan Procedures	11/19/84
601.6.A	Bed and Breakfast	7/21/86
601.7.1	Hospitals	10/07/85
601.7.2	Country Inns	9/15/8_
601.7.3	Cluster Residential Development of 20 or More Acres	4/04/88
601.8	Small Business in A-3 and A-10 Districts	10/03/88
601.9.1	Low Density 25 Acre Development Option	10/17/89
601.9.2	Low Density 50 Acre Development Option	10/17/89
602.1.3	Permitted Principal Uses and Structures: Bed and Breakfast home stays	7/21/86
602.3.12.1	Permissible Special Exception Uses and Structures Extractive Industries	9/15/86
602.3.13	Hospitals	10/07/85
607.2.4	Hotel, Motel, with or with/out Restaurant	8/23/82
607.2.6	Hospital	10/07/85
611	Standards for Convenience Stores	3/17/86
700.2	Relation of PD Regulations to General Zoning, Subdivisions or Other Regulations	10/3/89
700.2.1	Modification of Ratios in Mixed Uses Areas of Planned Development Housing Districts	10/3/89
700.5.6.2	Approval of Site Development Plans	11/19/84
700.5.6.3	Changes in Approved Site Development Plans	11/19/84
702.3.1	Maximum Height Restrictions	11/18/85

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710.2	Permitted Principal Uses and Structures: Tourist Service Convenience Store	8/23/82 3/17/86
710.2.1	Permissible Principal Uses and Structures: Motel, Hotel Convenience Store	8/23/82 3/17/86
710.7	Maximum Height Restrictions	11/18/85
711.7	Maximum Height Restrictions	11/18/85
711.9.1	Maximum Floor Area Ratio	12/21/87
712.2	Permitted Principal Uses and Structures: Convenience Store	3/17/86
712.2.2	Permissible Principal Uses and Structures: Convenience Store	3/17/86
712.6	Maximum Height Restrictions	11/18/85
712.8.1	Maximum Floor Area Ratio	2/06/84
712.8.2	Maximum Lot Coverage	2/06/84 4/21/86
720.1.2	Permitted Accessory Uses and Structures--Dwelling Units	7/19/82
720.3	Maximum Height Restrictions	11/18/85
721	PD-AI District (Rezoned to PD-IP and PD-GI)	6/77
722.3.1	Permitted Principal Uses and Structures: Agricultural, Forestry, Fisheries and Commercial Nurseries Trans-shipment Facilities	1979 6/77 & 8/23/82
722.3.2	Permissible Principal Uses and Structures: Recreational Facilities Service Stations Churches	1/18/77 6/77 12/19/89
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723.3.1	Permitted Principal Uses and Structures: Agricultural, Forestry, Fisheries, and Commercial Nurseries	1979
723.3.2	Permissible Principal Uses and Structures: Asphalt Mixing Plant Concrete Mixing Plant Churches	7/19/82 4/16/8_ 12/19/___
724.5	Permissible Principal Uses and Structures: Motels, Hotels	8/23/82

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725	Planned Development--Research & Development Park (PD-RDP)	1/26/86
725.1	Purpose and Intent	8/1/89
725.5.e	Standard Ratios: Maximum Floor Area Ratio (FAR)	8/1/89
725.8	Informational Requirements	8/1/89
730	Highway Corridor Protection (Hw) District	11/02/81
740	Regulatory 100 Year Flood Hazard District (FHD) (Whole new FHD)	6/20/88
740	Regulatory 100 Year Flood Hazard District(FHD)	1/12/81
740.5.1	Initiation of Study, Subsection B	11/19/84
745	Mountainside Development Overlay District (all)	12/21/87
745.6.2.c	Procedures - Information, soils map	8/1/89
750	Historic Site Districts/Historic and Cultural Conservation Districts	2/78
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750.11.3	Amendment Regarding Historic District Guidelines (Bluemont)	8/1/89
760.2	Permitted Principal Uses and Structures h. Low density 25 acre residential development	10/17/___
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760.3	Permitted Accessory Uses and Structures Bed and Breakfast home stays as home occupations	7/21/86
760.4.2	Special Exceptions by Board of Supervisors upon Recommendation by Planning Commission Extraction of Natural Resources	10/06/86
904.2.1	Zoning Permits in Floodplain Overlay District	6/20/88
904.4.a	Certificate from the Health Official	11/07/88
904.4.h	Address plats	6/15/87
906	Special Exceptions and Variance filing dates	6/17/86
909	Disclosure of Real Parties in Interest	10/06/86
1003	Definitions	
	Bed and Breakfast Home Stay Establishments	7/21/86
	Buildable Area	5/17/84
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	Country Inns	9/15/86
	Extractive Industries	9/15/86
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	Hospital, Major	10/07/85
	Hospital, Minor	10/07/85
	Lot Area	6/20/88
	Personal Service	4/21/___
	Quick Print Shops	3/17/8_
	Rated Capacity of Trucks	7/18/88
	Testing Station	1/17/84
1105.3	BZA Decision Deadline Change	6/17/86

Date

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<u>Section</u>	<u>Title</u>	<u>Date Adopted</u>
1106.2.2.3	Floodplain Overlay District - Variance	6/20/88
1107.2	Standards	12/06/82
1210	Annual Subscriptions to Planning & Zoning Documents	4/01/85
1211	Special Exceptions	12/06/82
1211.4.2	Special Exceptions Deadline Change	6/17/86

Article 4--Schedule of District Regulations

A-3 (Agricultural-Residential) District:

Permitted Principal Uses and Structures:

Omit Cluster developments of 20 acres 4/04/88

7. Low Density 25 acre development option 10/17/89

8. Low Density 50 acre development option

Permitted Accessory Uses and Structures:

Bed and Breakfast Home Stays as a Home Occupation 7/21/86

Special Exception Permissible by Board of Zoning Appeals:

8. Portable dwelling unit for use as a tenant house 5/07/84

Special Exception Permissible by Board of Zoning Appeals upon
Recommendation by Planning Commission:

19. Hospitals 10/07/85

20. Country Inns 9/15/86

Special Exceptions Permissible by Board of Supervisors upon
Recommendation of the Planning Commission:

24. Testing Station 1/17/84

25. Extraction of Natural Resources 10/06/85

Off-Street Parking Requirements, Space Required: Hospitals 10/07/85

Minimum Lot Requirements: Areas, Width, Length/Width Ratio

Delete For Cluster Developments Only

Delete Common Open Space 4/04/88

R-1 District:

Permitted Principal Uses and Structures:

Add #2. Cluster developments 4/04/88

Permitted Accessory Uses and Structures:

Bed and Breakfast Home Stays 7/21/85

Special Exceptions Permissible by Board of Supervisors Upon
Recommendation of the Planning Commission

Extraction of Natural Resources 10/06/85

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<u>Section</u>	<u>Title</u>	<u>Date</u> <u>Adopted</u>
	Minimum Lot Requirements: Areas, Width, Length/Width Ratio Add For lots hereafter created, length shall not exceed 3.5 times width. Add Common Open Space	4/04/88
<u>R-2 District:</u>		
	Permitted Accessory Uses and Structures: Bed and Breakfast Home Stays	7/21/86
<u>I-1 (Industrial) District:</u>		
	Permitted Principal Uses and Structures: Firing range for Federal, State and local governmental purposes	2/19/85
	Special Exceptions Permissible by Board of Supervisors upon Recommendation of the Planning Commission: Buildings and uses for Federal, State, county or local governmental purposes	2/19/85
<u>C-1 (Commercial) District:</u>		
	Permitted Principal Uses and Structures: 25. Quick print shops	3/17/86
	26. Convenience store, without gas pumps and if in compliance with Section 611	3/17/86
	Special Exception Permissible by Board of Zoning Appeals: Convenience store: If the standards of Section 611 are not met and/or gas pumps are included as part of the operation	3/17/86
	Special Exceptions Permissible by Board of Supervisors Upon Recommendation by the Planning Commission Extraction of Natural Resources	10/06/86
<u>L-I (Light Industrial) District:</u>		12/19/89

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ARTICLE 1 - AUTHORITY, PURPOSES AND INTENT

101 AUTHORITY AND ENACTMENT

This ordinance, to be cited as the Zoning Ordinance of Loudoun County, is hereby ordained, enacted and published by the Board of Supervisors of Loudoun County, Virginia pursuant to the provisions of Title 15.1, Chapter 11, Article 8, Code of Virginia, 1950, and amendments thereto, it being specifically stated therein that "this article shall be liberally construed to the end that the health, safety, order, prosperity, conservation of natural resources and general welfare of the public shall be furthered."

102 PURPOSES AND INTENT

This ordinance, insofar as is practicable, is intended to be in accord with and to implement the Comprehensive Plan of Loudoun County adopted pursuant to the provisions of Title 15.1, Chapter 11, Article 4, Code of Virginia, 1950, as amended, and has the purposes and intent set forth in Title 15.1, Chapter 11, Article 8.

This ordinance shall be for the general purpose of promoting health, safety or general welfare of the public and to the following ends this ordinance is designed:

- 102.1 To provide for adequate light, air, convenience of access, and safety from fire, flood and other dangers;
- 102.2 To reduce or prevent congestion in the public streets;
- 102.3 To facilitate the creation of a convenient, attractive and harmonious community;
- 102.4 To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- 102.5 To protect against destruction of, or encroachment upon historic areas;
- 102.6 To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers;
- 102.7 To encourage economic development activities that provide desirable employment and enlarge the tax base; an

Article 1 - Authority, Purposes and Intent

102.8 To promote the public necessity, health, safety, convenience and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.

ARTICLE 2 -- ESTABLISHMENT OF DISTRICTS

201 ESTABLISHMENT OF DISTRICTS

For the purposes of this ordinance, the unincorporated areas of Loudoun County are hereby divided into the following districts:

Residential

A-10 -- Agricultural-Conservation (also Special District
A-3 -- Agricultural-Residential
R-1 -- Single-family Residential
R-2 -- Single-family Residential
R-4 -- Single-family Residential
PDH-12 -- Planned Development Housing - 12
PDH-24 -- Planned Development Housing - 24
PDH-30 -- Planned Development Housing - 30

Commercial and Office

C-1
PD-CH -- Planned Development - Commercial Highway
PD-SC -- Planned Development - Shopping Center
PD-OP -- Planned Development - Office Park

Industrial

I-1
PD-AI -- Planned Development - Airport Industrial
PD-IP -- Planned Development - Industrial Park
PD-GI -- Planned Development - General Industrial
PD-SA -- Planned Development - Special Activities

Special

Flood Hazard
Historic Area

Previous Zoning Ordinance
District Regulations Re-Enacted
(See Article 15)

Article 8C, Planned Community, Loudoun County Zoning Ordinance, amended June 1, 1962.

Article 8D, Planned Community, Loudoun County Zoning Ordinance, amended August 5, 1969.

202 OFFICIAL ZONING MAP

The unincorporated areas of Loudoun County are hereby divided into districts, as indicated on a set of sheets entitled "Zoning Map of Loudoun County, Virginia" which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The zoning map shall be identified by the signature or the attested signature of the Chairman of the Board of Supervisors, together with the date of adoption of this ordinance.

Article 2 - Establishment of Districts

Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map, which shall be located in the office of the Clerk of Circuit Court shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the County.

202.1 Amendment of Zoning Map

Whenever any amendment is made to the, zoning map by action of the Board of Supervisors such change shall be incorporated onto such zoning map at such time and in such manner as the Board of Supervisors may prescribe. Said changes shall be validated with reference to correct notation by the Planning Director, who shall affix his signature thereto, thereby certifying that approved amendments to the zoning map have been correctly incorporated. The date of official action and nature of the change shall be entered on the map. Any such change shall have the effect of law 12:01 a.m., on the day following its legal adoption or on its effective date, if officially established as other than on the day following its legal adoption, whether or not it has been shown on said zoning map.

202.2 Unauthorized Changes

No changes of any nature shall be made on said zoning map or any matter shown thereon except in conformity with the procedures and requirements of this ordinance. It shall be unlawful for any person to make unauthorized changes on the zoning map. Violations of this provision shall be punishable as provided in Article 13.

210 INTERPRETATION OF DISTRICT BOUNDARIES

In construing the official zoning map, the following rules shall apply:

210.1 Center Lines as Boundaries

Where district boundaries appear to follow mapped center lines of streets, alleys, easements, railroads, waterways and the like, they shall be construed as following such center lines as exist on the ground except where the variation of actual location would change the zoning status of a lot or parcel or portion thereof, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning of any lot or parcel or portion thereof. In case of closure of a street or alley, or vacation of an easement, the boundary shall be construed as remaining at its location unless ownership of the closure or vacation area is divided other than at the center, in which case the

Article 2 - Establishment of Districts

boundary shall be construed as moving to correspond with the ownership, but not beyond any previous right of way or easement line. In the case of movement of any waterway, the boundary shall be construed as remaining at its location.

210.2 Property or Other Edge Lines as Boundaries

Where district boundaries appear to follow street, lot, property or other edge lines, they shall be construed as following such lines.

210.3 Boundaries Other Than as Above

District boundaries which appear parallel or perpendicular to, or as extensions of or connecting, center lines, edge lines, or other features shown on the map shall be so construed.

210.4 Boundaries Extending into Water

Where the full course of boundaries extending into bodies of water is not shown, such boundaries shall be construed as continuing in a straight line to intersect with other zoning boundaries or to jurisdictional limits if no such intersection with a zoning boundary occurs first.

210.5 Dimensions

Where dimensions are not otherwise indicated on the zoning map, the scale of the map shall govern.

210.6 Unclassified Areas

Where areas appear to be unclassified on the zoning map, and classification cannot be established by rules set forth herein, such areas shall be considered to be classified A-3 until amending action is taken.

210.7 Interpretation in Cases of Uncertainty

Where application of the rules set forth above fails to establish the location of boundaries with sufficient accuracy for the purposes of these regulations, the Zoning Administrator shall determine the location, provided that no such interpretation shall be such as to divide a lot which was previously apparently undivided by a district boundary.

Article 2 -- Establishment of Districts

210.8 Boundary Changes with Changes in Jurisdictional Area

210.8.1 Additions to jurisdictional area. Where territory is added to the jurisdictional area, it shall be considered to be classified as A-3 until amending action is taken.

210.8.2 Reduction in jurisdictional area. Where territory is removed from the jurisdictional area, the zoning boundaries coterminous with the jurisdictional boundary shall be considered to move with the jurisdictional boundary.

ARTICLE 3 -- APPLICATION OF REGULATIONS

301 APPLICATION OF REGULATIONS

The regulations set by this ordinance within each district shall be minimum or maximum limitations as appropriate to the case and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

301.1 Use, Occupancy and Construction

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be constructed except in conformity with all of the regulations herein specified for the district in which it is located.

301.2 Height, Bulk, Density, Lot Coverage, Yards and Open Spaces

No building or other structure shall hereafter be erected or altered:

- a. To exceed the height or bulk;
- b. To accommodate or house a greater number of families or to have greater floor area;
- c. To occupy a greater percentage of lot area;
- c. To have narrower or smaller rear yards, front yards, sideyards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.

301.3 Required Yard, Open Space, Area, Parking or Loading Space for One Structure, or Use, Not to be Use to Meet Requirements for Another

No part of a yard, or other open space, area, or offstreet parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, area, or off-street parking or loading space similarly required for any other building.

301.4 Reduction of Lots or Areas Below Minimum Prohibited

No lot or area existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein except for the purpose of meeting or exceeding standards set forth herein. Lots or areas created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Article 3 - Application of Regulations

301.5 Reduction of Yards Below Minimum

No yard existing at the time of passage of this ordinance shall be reduced in dimension below the minimum requirements set forth herein, unless such yard restrictions reduce the buildable area to unreasonable dimensions. In such cases, the Planning Commission shall determine the minimum requirements consistent with provision of adequate light and air, prevention of loss of life, health, or property from fire or other dangers, and prevention of danger in travel. Yards created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

301.6 Reduction of Required Off-Street Parking or Loading Space

No existing off-street parking or loading space, and no off-street parking or loading space hereafter provided, which meets all or part of the requirements for off-street parking or loading space set forth in these regulations, shall be reduced or eliminated so that resulting reduction results in area not meeting requirements or standards contained herein. Reductions may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

ARTICLE 4--SCHEDULE OF DISTRICT REGULATIONS FOR
INDIVIDUAL DISTRICTS (OTHER THAN SPECIAL DISTRICTS)

400 SCHEDULE OF DISTRICT REGULATIONS

District regulations for individual districts (other than special districts) shall be as set forth in the schedule of district regulations which, together with all explanatory matter thereon, is declared to be a part of this ordinance. Said schedule is composed of a series of sheets, properly identified as the Schedule of District Regulations, which shall be on file in the office of the Clerk of the Circuit Court, and shall be the official record of regulations for the districts indicated thereon. Amendments and provisions concerning unauthorized changes shall be as for the official zoning map.

ARTICLE 4 - SCHEDULE OF DISTRICT REGULATIONS

A-3 AGRICULTURAL RESIDENTIAL

DISTRICTS DESIGNATION AND INTENT

This district is intended for application in areas which are rural and/or have difficult terrain such that the character of such areas is protected and premature urbanization is prevented. However, such districts may also include areas potentially suitable for development at higher densities but where location and timing of public programs will not support such higher densities.

PERMITTED PRINCIPAL USES AND STRUCTURES (see Article 10)

1. Agriculture, forestry, and fisheries, provided, however, that no such use shall be permitted which, because of the nature, location, or manner of operation is noxious, offensive, or dangerous because of noise, odor, fumes, gas, glare, vibration, smoke, emission of particulate matter or effluents, or for other reasons.
2. Detached, single-family dwellings.
3. Private schools for not over 15 pupils.
4. Circuses, carnivals, or similar temporary activities when organized or sponsored by nonprofit organizations.
5. Noncommercial fairgrounds.
6. Game preserves, wildlife sanctuaries and the like. (Cluster developments deleted here - BOS 4/4/88)
7. Low Density 25 Acre Residential Development, subject to the criteria and standards in Section 601.9.1 (BOS adopted 10/17/89)
8. Low Density 50 Acre Residential Development, subject to the criteria and standards in Section 601.9.2. (BOS adopted 10/17/89)

PERMITTED ACCESSORY USES AND STRUCTURES (see Articles 5 and 6)

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, including:

1. Dwelling or lodging units for persons employed on the premises, provided that if in a separate structure not more than one such dwelling or lodging unit shall be permitted for each 3 acres in the principal use.
2. Wayside stands for display and sale of products produced on the premises.
3. Guest house.
4. Home occupations.
5. Bed and breakfast home stay establishments as home occupations with required permit. (adopted 7/21/86)
6. Small business (see Section 601.8). (adopted by BOS 10/3/88)

No accessory building shall be constructed until construction of the principal building is completed and in use, provided, however, that temporary buildings and uses shall be permitted for not to exceed 1 year in connection with construction, with permits renewable as provided in Article 9.

SPECIAL EXCEPTIONS PERMISSIBLE BY BOARD OF ZONING APPEALS (see Articles 6 and 9)

1. Commercial stable.
 2. Kennel.
 3. Veterinary service; animal hospital.
 4. Guest farms or ranches.
 5. Cemetery.
 6. Wayside bus shelters.
 7. Structures for exhibits and/or demonstrations operated by non-profit organizations.
 - 8a. Portable dwelling unit for use as a tenant house for an agricultural, forestal, or fisheries operation. (amended 5/7/84)
 - 8b. Portable dwelling unit for use during the construction of permanent dwelling.
-

Add the following on recommendation by the Planning Commission:

9. Church, parish house, convent, monastery.
 10. Private airport, heliport, flight strip.
 11. Day camp, boarding camp.
 12. Private club or lodge.
 13. Private school for over 15 pupils.
 14. Recreational structures or uses related to outdoors recreation, commercial or noncommercial.
 15. Rest home, nursing home, convalescent home, orphanage, or similar institution.
 16. Community centers.
 17. Volunteer fire and/or rescue squad structures and uses.
 18. Nurseries.
 19. Hospitals. (amended 10/7/85)
 20. Country Inns. See Section 601.7.2. (adopted 9/15/86)
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SPECIAL EXCEPTIONS PERMISSIBLE BY BOARD OF
SUPERVISORS UPON RECOMMENDATION OF THE
PLANNING COMMISSION

21. Structures or uses primarily for Federal, State, County, or local governmental purposes.
22. Structures or uses required for the operation of a public utility, except uses involving extensive storage or storage as a primary purpose.
23. Recreational vehicle park. (see Section 61
24. Testing station. (added 1/17/84)
25. Extraction of Natural Resources.(revised 10/6/86)
26. Cluster residential development, subject to the criteria and standards in Section 601.7.3. (Adopted BOS - 4/4/88)
27. Small businesses (see Section 601.8). (adopted by BOS 10/3/88)

MINIMUM-LOT REQUIREMENTS: AREAS, WIDTH,
LENGTH/WIDTH RATIO (see Article 5)

Generally

Minimum Lot Area: 3 acres

Minimum Lot Width:

Fronting Class I Roads: 300 feet

Fronting Class II Roads: 200 feet

Length/Width Ratio: For lots hereafter created,
length shall not exceed 3.5 times width.

MINIMUM YARD REQUIREMENTS: DEPTH OF FRONT, REAR YARDS, DEPTH OF SIDE YARDS (see
Article 5)

Front Yard: 35 feet

Side Yard: 12 feet

Rear Yard: 25 feet

MAXIMUM LOT COVERAGE BY ALL BUILDINGS

No lot coverage limitations

MAXIMUM HEIGHT OF BUILDING (see Article 5)

Dwellings: 35 feet

Buildings used exclusively for agricultural purposes: NO RESTRICTION

Other buildings: 35 feet, provided that a building may be erected *[erected]* to a maximum height of 90 feet if it is set back from every street and lot line, in addition to each of the required minimum yard dimensions, a distance of not less than 2 feet for each 1 foot of height that it exceeds the 35-foot limit.

OFF-STREET PARKING REQUIREMENTS, SPACES REQUIRED (see Articles 5 and 6)

Building or uses primarily for governmental purposes: As determined in connection with particular special exception.

Churches: 1 for each 10 seats in main auditorium.

Clubs or lodges, private: 1 for each 10 seats in main auditorium.

Community Center: 1 for each 400 square feet of activity area.

Dwelling: 2 per dwelling unit.

Exhibit/demonstration hall: 1 for each 400 square feet.

Home occupation: 1 for each 150 square feet of floor area used in such home occupation.

Lodging units: 1 per lodging unit.

Recreational structures or uses, commercial or noncommercial: As determined in connection with the particular special exception.

Rest home, nursing home, convalescent home, orphanage, or similar institution: 1 for each four beds.

School, private: 1 for each 5 pupils.

Stable, commercial: 1 for each 3 animals for hire

Veterinary services and animal hospitals: 1 for each 400 square feet of floor space in office; 4 spaces minimum.

Wayside stands: no parking in public right-of-way

Bed and Breakfast Home Stay: 1 per guest room. (adopted 7/21/86)

Country Inn: 1 per guest room. (adopted 9/15/

Hospitals: 1 space per 2 beds for in-patient services; 1.5 spaces per 250 square feet for out-patient services. (amended 10/7/85)

ARTICLE 4 - SCHEDULE OF DISTRICT REGULATIONS
R-1 SINGLE FAMILY RESIDENTIAL

DISTRICTS DESIGNATION AND INTENT

R-1, R-2, R-4 SINGLE FAMILY RESIDENTIAL

These districts intended for single-family residences and compatible supporting uses, range in density from one to four dwellings per acre. District boundaries are intended to include existing development of the same character and vacant or sparsely developed land indicated in the comprehensive development plan as appropriate for future residential use at the densities indicated. Such districts are intended for application only where major roads are adequate to serve added traffic and where other needed public facilities are available, or where current programs or policies assure early availability of needed facilities. Water supply and sewerage systems for any Cluster Development must be approved by the County Health Department.

R-1 districts are intended for development at one single-family dwelling per acre. Such districts are intended to be located in areas designated by the plan as appropriate for such density and where, if approved general water and/or sewerage systems are not available, soils are suitable for individual water and/or sewerage systems.

PERMITTED PRINCIPAL USES AND STRUCTURES (see Article 6)

As for A-3, and in addition:

1. Duplexes, with each unit subject to general requirements for single-family dwellings in the district except for the side yards required between single-family dwellings, provided that the building shall be so located on the lot that each unit could be provided with a lot meeting requirements for single-family dwellings except for the requirement for such side yards.
2. Cluster development, when supplied with approved general water supply and sewage system and only with a minimum of 10 acres. (adopted BOS - 4/4/88)

PERMITTED ACCESSORY USES AND STRUCTURES (see Articles 5 and 6)

As for A-3, provided that wayside stands shall be permitted only in connection with display or sale of agricultural products produced on premises of 10 or more acres.

SPECIAL EXCEPTIONS PERMISSIBLE BY BOARD OF ZONING APPEALS (see Articles 6 and 9)

As for A-3 and in addition, upon recommendation by the Planning Commission, the following:

1. As a transitional use, and only on the first lot or first 150 ft. of any lot to the district which directly adjoins a commercial or industrial district in the same street frontage without an intervening street or permanent open space at-least 50 ft., in width, a business or professional office or a clinic not exceeding 2,500 sq. ft. in floor area, or combination of not to exceed one dwelling unit and an office or clinic with total floor area not exceeding 2,500 sq. ft. In combination subject to the yard and lot coverage requirements of the district and the off-street parking and loading requirements of the district in which the use is first generally permitted.

SPECIAL EXCEPTIONS PERMISSIBLE BY BOARD OF SUPERVISORS UPON RECOMMENDATION OF PLANNING COMMISSION

Extraction of natural resources. (revised 10/6/86)

MINIMUM LOT REQUIREMENTS: AREA, WITH LENGTH/WIDTH RATIO (see Article 5)

Generally

Minimum Lot Area: 40,000 sq. ft.

Minimum Lot Width: For lots hereafter created minimum lot width shall be 175 ft.

Length/Width Ratio: For lots hereafter created, length shall not exceed 2.5 times width

For Cluster Developments Only

Minimum Lot Area: 20,000 sq. ft.

Minimum Lot Width: 100 ft.

Length/Width Ratio: As in A-3 provided however that common open space as described under A-3, shall be provided in an amount sufficient to maintain a total density of one lot for each 40,000 sq. ft. For lots hereafter created, length shall not exceed 3.5 times width. (amended by BOS - 4/4/88)

Common Open Space: Shall be provided and appropriately located with respect to permitted uses in a sufficient density such that a total density of one lot for each 40,000 square feet shall be maintained. Common open space shall be permanently reserved as open space by a means acceptable to the Board of Supervisors. (added by BOS - 4/4/88)

MINIMUM YARD REQUIREMENTS: DEPTH OF FRONT, REAR YARDS, DEPTH OF SIDE YARDS (see Article 5)

Front Yard: 35 ft.

Side Yard: One 12 ft. one 9 ft if habitable room has principal exposure to yard, otherwise, 5 ft.

Rear Yard: 25 ft.

No yard is required where accessory buildings are erected to a common wall on the lot line the rear 1/3 of the lot.

MAXIMUM LOT COVERAGE BY ALL BUILDINGS: 25 percent

MAXIMUM HEIGHT OF BUILDING (see Article 5)

As for A-3.

OFF-STREET PARKING REQUIREMENTS SPACES REQUIRED

(see Article 5 and 6): As for A-3.

ARTICLE 4 - SCHEDULE OF DISTRICT REGULATIONS
R-2 SINGLE FAMILY RESIDENTIAL

DISTRICTS DESIGNATION AND INTENT

R-1, R-2, R-4, SINGLE FAMILY RESIDENTIAL

These districts, intended for single-family residences and compatible supporting uses, range in density from one to four dwellings per acre. Districts boundaries are intended to include existing development of the same character and vacant or sparsely developed land indicated in the comprehensive development plan as appropriate for future residential use at the densities indicated. Such districts are intended for application only where major roads are adequate to serve added traffic and where other needed public facilities are available, or where current programs or policies assure early availability of needed facilities. Water supply and sewerage systems for any Cluster Development must be approved by the County Health Department.

R-2 districts, for development at two dwellings per acre, are intended to be located only where approved general water supply and sewerage systems are available, and where the plan indicates that such densities are appropriate.

PERMITTED PRINCIPAL USES AND STRUCTURES (see Article 6)

1. Detached single-family dwellings.
2. Duplexes, as for R-1.
3. Private schools for not over 15 pupils.
4. Cluster developments only when supplied with approved general water supply and sewerage system, and only with a minimum area of 4 acres.

PERMITTED ACCESSORY USES AND STRUCTURES (see Articles 5 and 6)

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, including guest houses and home occupations.

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, including guest houses, home occupations, and also including bed and breakfast home stay establishments as home occupations in Historic Cultural and Conservation Districts and Historic Site Districts only with required permit. (amended 7/21/86)

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used until the principal building is completed and in use, provided however that temporary buildings and uses shall be permitted for not to exceed one year in connection with construction, with permits renewable in Article 9.

SPECIAL EXCEPTIONS PERMISSIBLE BY BOARD OF ZONING APPEALS (see Articles 6 and 9)

1. Wayside bus shelters.

And the following upon recommendation by the Planning Commission:

2. Cemetery
3. Church, parish house, convent or monastery.
4. Private club or lodge.
5. Private school for over 15 pupils.
6. Recreational structures or uses, noncommercial only.
7. Hospitals.
8. Rest home, convalescent home, nursing home, orphanage or similar institution.
9. Community centers.
10. Structures for exhibits and/or demonstrations operated by non-profit organization.

11. Volunteer fire and/or rescue squad structures and uses.
12. Transitional uses, as for R-1.

SPECIAL EXCEPTIONS PERMISSIBLE BY THE BOARD OF SUPERVISORS UPON RECOMMENDATION BY THE PLANNING COMMISSION

13. Structures or uses primarily for Federal, State, County or local governmental purposes.
14. Structures and uses required for operation of a public utility, except uses involving extensive storage or storage as primary purpose.

MINIMUM LOT REQUIREMENTS: AREA, WIDTH, LENGTH/WIDTH RATIO (see Article 5)

Generally

Minimum Lot Area: 20,000 ft.
Minimum Lot Width: For lots hereafter created, minimum lot width shall be 100 ft.
Length/Width Ratio: For lots hereafter created, length shall not exceed 2.5 times width.

For Cluster Developments Only

Minimum Lot Area: 10,000 sq. ft.
Minimum Lot Width: 80 ft.
Length/Width Ratio: As above, provided, however that common open space as described under A-3 shall be provided in an amount sufficient to maintain a total density of one lot for each 20,000 sq. ft.

MINIMUM YARD REQUIREMENTS: DEPTH OF FRONT, REAR YARDS, DEPTH OF SIDE YARDS (see Article 5)

Front Yard: 25 feet
Side Yard: As for R-1
Rear Yard: 12 feet
No yard is required where accessory buildings are erected to a common wall on the lot line in the rear 1/3 of the lot.

MAXIMUM LOT COVERAGE BY ALL BUILDINGS: 35 percent.

MAXIMUM HEIGHT OF BUILDING (see Article 5): As for A-3.

OFF-STREET PARKING REQUIREMENTS: SPACES REQUIRED
(see Article 5)

As for A-3 for uses permitted therein, and in addition,

Hospitals - 1 for each 3 beds.

ARTICLE 4 -SCHEDULE OF DISTRICT REGULATIONS
R-4 SINGLE FAMILY RESIDENTIAL

DISTRICTS DESIGNATION AND INTENT

R-1, R-2, R-4, SINGLE FAMILY RESIDENTIAL

These districts, intended for single-family residences and compatible supporting uses, range in density from one to four dwellings per acre. Districts boundaries are intended to include existing development of the same character and vacant or sparsely developed land indicated in the comprehensive development plan as appropriate for future residential use at the densities indicated. Such districts are intended for application only where major roads are adequate to serve added traffic and where other needed public facilities are available, or where current programs or policies assure early availability of needed facilities. Water supply and sewerage systems for any Cluster Development must be approved by the County Health Department.

R-4 districts, for development at four single-family dwellings per acre, are also intended to be located only where approved general water supply and sewerage is available, and only in close proximity to existing or future development of equivalent or higher densities.

PERMITTED PRINCIPAL USES AND STRUCTURES (see Article 6): As for R-2.

PERMITTED ACCESSORY USES AND STRUCTURES

(see Articles 5 and 6): As for R-2.

SPECIAL EXCEPTIONS PERMISSIBLE BY BOARD OF ZONING APPEALS

(see Articles 6 and 9): As for R-2.

MINIMUM LOT REQUIREMENTS: AREA, WIDTH LENGTH/WIDTH RATIO (See Article 5)

Generally

Minimum Lot Area: 10,000 sq. ft.

Minimum Lot Width: For lot hereafter created, minimum lot width shall be 80 ft.

Length/Width Ratio: For lots hereafter created, length shall not exceed 2.5 times the width.

For Cluster Developments Only

Minimum Lot Area: 8,000 sq. ft.

Minimum Lot Width: 80 ft.

Length/Width Ratio: As above, provided however that common open space as described under A-3, shall be provided in an amount sufficient to maintain a total density of one lot for each 10,000 sq. ft.

MINIMUM YARD REQUIREMENTS: DEPTH OF FRONT, REAR YARDS, DEPTH OF SIDE YARDS

(see Article 5): As for R-2.

MAXIMUM LOT COVERAGE BY ALL BUILDINGS: 35 percent.

MAXIMUM HEIGHT OF BUILDING (see Article 5): As for A-3.

OFF-STREET PARKING REQUIREMENTS - SPACES REQUIRED

(see Article 5): As for R-2.

ARTICLE 4 - SCHEDULE OF DISTRICT REGULATIONS
I-1 INDUSTRIAL

DISTRICTS DESIGNATION AND INTENT

Designation: Parcels of land designated both as I-1 on the official zoning map in effect prior to the adoption of this ordinance and on the official zoning map which is part of this ordinance.

Intent: This district is created in recognition of the existence of properties designated previously as "I-1" which are presently committed to uses primarily natural resource oriented. It is intended that these uses and activities may be continued and expanded at present locations and on adjoining parcels which are particularly well suited for such uses and activities in so far as relationships to surrounding land uses are concerned.

PERMITTED PRINCIPAL USES AND STRUCTURES

(see Article 6)

Private or commercial airport, heliport.
Auto-truck repair garage.
Warehouse.
Commercial greenhouse, nursery.
Fruit processing, storage.
Sawmill.
Sand or gravel recovery, screening plant.
Quarry, mine, rock crusher, screening plant.
Borrow pit for road construction.
Asphalt mixing plant. Concrete mixing plant.
Manufacture of concrete block, cinderblock.
Manufacture of pre-form concrete products.
Bulk gasoline, petroleum storage.
Yard for storage of coal, lumber, building materials, contractor's equipment.
Dwelling unit, provided that such unit shall be permitted in conjunction with a permitted use listed above, that only one dwelling unit per principal use may be permitted, and provided that said dwelling unit may be occupied only by the manager, resident manager, or caretaker.
Communication and public utility service, major transmission and transportation facilities.
Sewage disposal, water treatment plants.
Agriculture, forestry, fisheries, and commercial nurseries.
Firing range for Federal, State, and local governmental purposes.

PERMITTED ACCESSORY USES AND STRUCTURES

(see Articles 5 and 6)

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures.

SPECIAL EXCEPTIONS PERMISSIBLE BY BOARD OF SUPERVISORS UPON RECOMMENDATION OF THE PLANNING COMMISSION

Buildings and uses for Federal, State, County, or local governmental purposes.

SPECIAL EXCEPTIONS PERMISSIBLE BY BOARD OF ZONING APPEALS (see Articles 6 and 9): None.

MINIMUM LOT REQUIREMENTS: AREA, WIDTH, LENGTH/WIDTH RATIO (see Article 5)

Minimum Lot Area: 1 acre
Minimum Lot Width: See Section 609,
Supplementary Regulations - Industrial.
Length/Width Ratio: None

MINIMUM YARD REQUIREMENTS: DEPTH OF FRONT, REAR YARDS, DEPTH OF SIDE YARDS
(see Article 5)

Front Yard: 30 feet

Side Yard: No structure shall be located closer than 15 feet to a side property line except that in any case where the site adjoins a residential or PDH district without an intervening street or alley, the minimum side yard shall be 35 feet on that side.

Rear Yard: No structure shall be located closer than 15 feet to a rear property line except that in any case where the site adjoins a residential or PDH district without an intervening street or alley, the minimum rear yard shall be 35 feet.

LIMITATION OF USE IN REQUIRED YARDS: See Section 609, Supplementary Regulations--Industrial.

MAXIMUM LOT COVERAGE BY ALL BUILDINGS: 50 percent.

MAXIMUM HEIGHT OF BUILDING (see Article 5)

Dwellings -- 35 feet.

Other Buildings -- 35 feet, provided that a building may be erected to a maximum height of ninety feet if it is set back from every street and lot line in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot of height that it exceeds the 35-foot limit.

OFF-STREET PARKING REQUIREMENTS SPACES REQUIRED (see Article 5)

MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS: The minimum required number of off-street parking spaces shall be one space for every employee on the major work shift.

MINIMUM OFF-STREET LOADING SPACE REQUIREMENTS: See Section 609, Supplementary Regulations - Industrial.

LI - LIGHT INDUSTRIAL DISTRICT

I. PURPOSE OF DISTRICT

The purpose of the LI District is to accommodate a mix of similar and compatible light industrial uses, industrial-related business uses, and accessory commercial uses which exhibit high performance standards. LI Districts shall have limited traffic and aesthetic impacts on surrounding properties, and on supporting public facilities and utilities. The LI district is intended to generate development through the use of creative design which will enhance the character of the surrounding area.

II. LOCATION OF DISTRICT

The LI District shall be applied only in those areas which have the following locational characteristics:

- A. Areas served by public water and sewer systems, or designated by the County's adopted Comprehensive Plan as part of an Urban Growth Area which is planned for public sewer and water service.
- B. Areas served by one or more major collectors or arterials as defined in the County's adopted Comprehensive Plan.
- C. Areas clearly demonstrating suitability for the intended use in relation to physical characteristics of the site and to the character of surrounding areas such as areas being generally flat, open, or any partially wooded area readily buffered from residential areas:
- D. Areas designated for light industry in the Comprehensive Plan.

III. PERMITTED USES

The following uses shall be permitted in any LI District subject to the requirements and limitations of these regulations:

A. AGRICULTURAL USES

- 1. Agricultural, horticultural and forestry uses as defined in Article 6, Section 601.1.1.

(BOS approved 12-19-89; effective date 12-20-89)

2. Fisheries for the raising of fish as a natural resource, and fish farming for the raising and harvesting of fish as a commercial crop, but not including fishing clubs or public fishing.
3. Nurseries and greenhouses (*excluding retail nurseries*), for raising and temporarily storing natural plant materials used in landscaping.

B. INDUSTRIAL USES

1. Flex-industrial/office uses: No more than forty nine percent (49%) of the gross floor space of each building shall be used for non-accessory office use.
 2. Establishments for assembly, fabrication, processing, production and manufacturing of goods or products which meet the performance standards of Article 5, except for those heavy industrial uses set forth as follows:
 - a. Alcoholic beverage manufacturing.
 - b. Ammonia, bleaching powder or chlorine manufacture.
 - c. Blast furnace.
 - d. Boiler works.
 - e. Chemicals and acid manufacture or storage.
 - f. Distillation of coal, wood, or bones.
 - g. Distillation of turpentine or varnish.
 - h. Dye works.
 - i. Emery cloth manufacture.
 - j. Fertilizer manufacture.
 - k. Fireworks.
 - l. Fish canning, curing, grinding, or smoking.
 - m. Garbage incineration other than in municipal plants.
 - n. Glue, size, or gelatine manufacture.
 - o. Grinding, cooking, boiling, rendering, or storing of slaughter house refuse, or animal refuse, or rancid fats or refuse of dead animals.
 - p. Iron, steel, or copper works, foundries, or smelting facilities.
 - q. Lime, cement, concrete, gypsum, plaster of pans, or mortar manufacture.
 - r. Mixing or batching plants, or asphalt, concrete, brick, or other paving and construction materials.
 - s. Petroleum, alcohol or asphalt refining, mixing, or manufacture or storage.
 - t. Pyroxylin or celluloid manufacture.
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- u. Pulverizing of charcoal or coal.
- v. Soap manufacture.
- w. Stockyards.
- x. Tanning, curing or storing of raw hides or skins.
- y. Tetra-ethyl lead precipitate or liquid manufacture.
- z. Vinegar manufacture
- aa. Wool pulling and scouring
- bb. Yeast plants.
- cc. Any other use similar to the above excepted uses which likely to be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise, or other cause.

- 3. Printing and publishing
- 4. Research, experimental, testing and development activities.

C. WHOLESALE USES

Said uses include but are not limited to:

- 1. Bakeries.
- 2. Bottling and distribution
- 3. Laundries and dry cleaning, and
- 4. Mail order houses.

D. INSTITUTIONAL USES

- 1. Cemeteries
- 2. Churches, temples, synagogues

E. OPEN SPACE USES

- 1. Public Parks

F. PUBLIC AND UTILITY USES

- 1. Fire and police stations
 - 2. Postal services
 - 3. Telephone facilities, enclosed
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IV. PERMISSIBLE USES

In addition to the uses and structures indicated above the following uses may be permitted by the Board of Supervisors: (a) as part of a LI amendment, or (b) by special exception procedures at any time after LI amendment, provided that such uses clearly demonstrate similarity to characteristics of permitted uses and comply with requirements of determinations concerning unspecified uses, Section 501.1:

A. AGRICULTURAL USES

1. Roadside stands for sale of farm products at least 50 percent of which are grown on the premises.
2. Veterinary service; animal hospital

B. INDUSTRIAL USES

1. Outdoor storage with screening of said storage in accordance with landscape section contained herein.
2. Planned industrial park: A real estate project of one or more industrial and accessory buildings on one or more contiguous parcels under common ownership or coordinated control. Planned Industrial Parks shall be planned, designed, constructed and managed on an integrated and coordinated basis, with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space in a landscaped setting.

A planned industrial park may include accessory commercial uses intended to serve businesses and employees therein, but not to exceed 15 percent of the total acreage of the park or 15 percent of the total floor space of the park: permitted commercial uses shall include business services, gasoline service stations, banks, hotels and motels, health clubs, child care centers, recreation facilities, and sit-down eating establishments, drive-in and drive-through eating establishments are prohibited.

3. Warehousing, indoor storage, distribution, or bulk storage of gasoline, petroleum products, natural gas, and chemicals.
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C. OFFICE USES

1. Administrative, business, and professional offices.
2. Conference and training centers.
3. Heliport and helistop.

D. INSTITUTIONAL USES

1. Medical care facilities, outpatient only.
2. Technical schools, not adversely impacted by permitted uses.

E. OPEN SPACE USES

1. Golf courses
2. Private parks

F. PUBLIC AND UTILITY USES

1. Radio television, microwave facilities.
2. Electrical generating or transmission facilities.
3. Water supply facilities.
4. Governmental facilities.

V. ACCESSORY USES (as defined in Article 10)

1. Administrative offices for permitted and or permissible uses, not to exceed 20 percent of the floor space of the principal use.
 2. Retail sales for permitted and or permissible uses, not to exceed 10 percent of the floor space of the principal use.
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3. Warehousing, indoor storage, and distribution associated with a permitted use but excluding the bulk storage of gasoline, petroleum products, natural gas, and chemicals.

VI. GENERAL REQUIREMENTS

- A. All development within the LI District shall be in conformance with the following general requirements:
 1. Roadways and principal vehicular access points shall be shown on a Concept Development Plan which shall be submitted at the time of a rezoning request. Plans shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. (Left-hand storage and right turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need). (In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through-traffic).
 2. Buildings shall be located, oriented, and designed to respect the natural landscape, principles of energy conservation, relationships to surrounding properties and buildings, views from major arterials, site access and circulation needs and the desired overall character of the district.
 3. Yards, berms, vegetative screening, fences, or walls shall be provided where needed to protect residential districts and public streets from undesirable views, lighting, noise, or other adverse impacts. In particular, outdoor storage, extensive off-street parking areas and service areas for loading and unloading vehicles, and for storage and collection of refuse and garbage, shall be effectively screened.
 - B. A landscape plan, in accordance with the development Landscape Section herein, shall be submitted with site plan applications for development in the LI District. All plans shall be subject to approval by the Zoning Administrator.
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VII. PERFORMANCE CRITERIA

MINIMUM AREA REQUIRED FOR CREATION OF DISTRICTS

1. The minimum area required for the initial mapping of an LI District shall be 20 acres (provided that an initial LI District has been created). Incremental additions to such district shall consist of not less than two (2) acres.

LOT SIZE REQUIREMENTS

Minimum lot area: 2 acres

Minimum lot width: 200 feet

Minimum lot depth: 200 feet

YARD REQUIREMENTS

A. FRONT YARD

Minimum front yard setback to building: 100 feet

Minimum landscaped area in front yard: 100 feet. The setback may be reduced to 50 feet subject to submittal of a detailed site plan and landscape plan. Said plan shall be submitted for review and approval by the Zoning Administrator in accordance with the provisions below:

<u>REQUIRED LANDSCAPE AREA</u>	<u>NUMBER AND TYPE OF PLANTS PER 100 LINEAR FEET OF FRONT PROPERTY LINE</u>
100' or more in depth	3 Canopy Trees 2 Understory Trees 9 Shrubs (evergreen or deciduous)
50' - 100' in depth	3 Canopy Tree 2 Understory Trees 26 Shrubs (75% of which must be evergreens)

OR

2 Canopy Tree
15 Shrubs (75% of which must be
evergreens)
40 linear feet of earthen berm at
least four feet in height and not to
exceed three feet if rise for every
one foot of run (3 to 1 slope)

Preferred species of plant materials are listed in the definitions section of this zoning district. Other species may be considered with justification being submitted by the applicant for the requested modification. In any case, species other than listed shall be accepted only after final approval by the Zoning Administrator.

B. SIDE YARD

Minimum side yard: 20 feet, except 50 feet shall be provided when adjacent to agricultural or residential district.

Minimum landscaped area in side yard: 20 feet

REQUIRED LANDSCAPE AREA

**NUMBER AND TYPE OF PLANTS
PER 100 LINEAR FEET OF
SIDE YARD PROPERTY LINE**

20' or more in depth

2 Canopy Trees
5 Evergreen Trees
13 Shrubs (75% of which must be
evergreens)

Preferred species of plant materials are listed in the definitions section of this zoning district. Other species may be considered with justification being submitted by the applicant for the requested modification. In any case, species other than listed shall be accepted only after final approval by the Zoning Administrator.

C. REAR YARD:

Minimum rear yard: 50 feet between properties within the LI District and where rear property is adjacent to commercial or industrial zoning district, or 100 feet from a public street right-of-way or rear property line when adjacent to an agricultural or residential zoning district.

Minimum landscaped areas in rear yard: 100 feet adjacent to an agricultural or residential zoning district. The setback may be reduced to 50 feet subject to submittal of a detailed site plan and landscape plan. Said plan shall be submitted for review and approval by the Zoning Administrator in accordance with the provisions below. 20 feet where rear property is adjacent to commercial or industrial districts.

REQUIRED LANDSCAPE AREA

**NUMBER AND TYPE OF PLANTS
PER 100 LINEAR FEET OF
FRONT PROPERTY LINE**

100' or more in depth

3 Canopy Trees
2 Understory Trees
9 Shrubs (evergreen or deciduous)

50' - 100' in depth

3 Canopy Tree
2 Understory Trees
26 Shrubs (75% of which must be
evergreens)

OR

2 Canopy Tree
15 Shrubs (75% of which must be
evergreens)
40 linear feet of earthen berm at
least four feet in height and not to
exceed three feet if rise for every
one foot of run (3 to 1 slope)

20' or more in depth

2 Canopy Trees
5 Evergreen Trees
13 Shrubs (75% of which must be
evergreens)

Preferred species of plant materials are listed in the definitions section of this zoning district. Other species may be considered with justification being submitted by the applicant for the requested modification. In any case, species other than listed shall be accepted only after final approval by the Zoning Administrator.

VIII. AREA REQUIREMENTS

- A. Base floor area ratio: 0.3
- B. Adjusted Base Floor Area Ratio
 - 1. The base floor area ratio in the LI District may be increased on certain parcels upon application to the Board of Supervisors and demonstration of one or more of the following:
 - (a) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 500 feet of the right-of-way of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) if:
 - 1. Such properties are not located at an existing median break of the road; and
 - 2. The owner(s) of such properties relinquishes direct access to the road.
 - (b) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 500 feet of the right-of-way of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) if the owner(s) of such properties consolidates such properties for development purposes with a contiguous parcel of land of at least 15 acres.
 - (c) A density increase of 0.1 FAR above the base floor area ratio shall be granted to properties or portions of properties located within 500 feet of the right-of-way of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950 as amended*) if the owner(s) of such properties maintains a parking setback of 150 feet and a building setback of 300 feet along the road.
 - 2.
 - (a) The density increase can be granted singly or cumulatively, except that;
 - (b) Density increases for 1(b) and 1(c) shall only be available either:

- i. in conjunction with 1(a); or
 - ii. if the property for which such density increase is sought is located at an existing median break of a road in the primary system of state highways (*as defined in Section 33.1-25 of the Code of Virginia, 1950, as amended*).
- 3. Such density increases shall be averaged with the FAR of the entire property or properties involved which shall not exceed an overall FAR of 0.40.
- C. The floor area ratio on a specific lot within a planned industrial park may be increased to 0.40 or, if the base floor area ratio has been adjusted pursuant to paragraph B above, by one-third over such adjusted base floor area ratio, subject to the approval of a detailed concept development plan. In any case, the overall floor area ratio of the entire industrial park shall not exceed the base floor area ratio, unless such base floor area ratio has been adjusted pursuant to paragraph B.
- D. Maximum lot coverage by buildings: 45 percent
- E. Maximum Building Height: 35 feet, plus 1 foot for each additional 5 feet of front or rear yard setback from a public street right-of-way, in any case no building shall exceed 55 feet in total height.
- F. Additional height limitations for areas of districts or building sites or lots directly under the airport runway flight path shall be determined by the Zoning Administrator following receipt of recommendations from the Federal Aviation Administration.

MINIMUM LANDSCAPED SPACE

Minimum landscaped open space on any individual lot shall not be less than .30 times the buildable area of the lot. Such landscaped open space shall not be generally open to vehicles, and shall be used to enhance the appearance of the lot.

PARKING AND LOADING

Minimum Parking Requirements: 2.5 parking spaces per 1,000 Gross Square Feet of Building Area.

No off-street parking or loading facilities shall be located in required landscaped setback areas. All parked vehicles and loading areas shall be screened from public streets.

A minimum of 5 percent of the internal area of a parking lot shall be landscaped, and at least one canopy tree shall be planted within the parking area for each 20 parking spaces.

All off street parking spaces shall be within 500 feet by safe and convenient pedestrian routes, of entrances to the buildings the parking spaces are intended to serve.

SIGNS

Refer to Article 5 (Section 523) for sign regulations.

PERFORMANCE STANDARDS

In conformance with Section 535 of the Zoning Ordinance. Refer to Article 5 for Performance Standards.

IX. DEFINITIONS

A. BERM:

A landscaped earthen mound intended to screen, buffer, mitigate noise, and generally enhance views of parking areas, storage areas or required yards, particularly from public streets or adjacent land uses.

B. CANOPY TREE:

A deciduous shade tree with a minimum caliper of three inches at time of planting, as measured six inches above level ground. Preferred species include, but are not limited to:

<u>Common Name</u>	<u>Botanical Name</u>
American Sycamore	Platanus occidentalis
Crimson King Maple	Acer plantanoindes Crimson King
English Oak	Quercus robur
Ginkgo (Male)	Ginkgo biloba
Japanese Pagoda Tree	Sophora japonica

<u>Common Name</u>	<u>Botanical Name</u>
Japanese Zelkova	Zelkova serrata
Littleleaf Linden	Tilia cordata
London Plane Tree	Plantanus acerifolia
Norway Maple	Acer platanoides
Pin Oak	Quercus palustris
Red Oak	Quercus borealis
Red Maple	Acer rubrum
Silver Linden	Tilia tomentosa
Sugar Maple	Acer saccharum
Sweet Gum	Liquidambar styraciflua
Thornless Honey Locust	Gleditsia triacanthos inermis
Willow Oak	Quercus phellos
Yellowwood	Cladrastis lutea

C. EVERGREEN TREES:

A non-deciduous tree of at least five feet in height at time of planting. Preferred species include, but are not limited to:

<u>Common Name</u>	<u>Botanical Name</u>
American Holly	Ilex opaca
Austrian Pine	Pinus nigra
Dark American Arborvitae	Thuja occidentalis nigra
Eastern Red Cedar	Juniperus virginiana
Norway Spruce	Picea abies
White Pine	Pinus strobus

D. FLEX-INDUSTRIAL/OFFICE USES:

Flex-industrial/office uses in the LI zoning district include appropriate office (*specified below*) and warehouse uses located in buildings with the following characteristics:

1. No building will exceed two stories in height;
2. All buildings will have a minimum of two loading bays;
3. All loading bays shall be located so that trucks using such bays shall not be visible from public streets. All loading bays shall be screened from view by the building, by landscaping, walls or decorative fencing as approved at site plan review. Except during the process of loading or unloading, trucks and trailers shall not be parked outside the building, unless parked in suitably screened areas.

4. At least 50 percent of the total gross floor space in any building will have a floor load capacity of at least 125 pounds per square live foot load.
5. No more than 49 percent of the gross floor space of each building shall be used for non-accessory office uses.

Office uses recognized as appropriate in flex-industrial/office buildings shall be associated with permitted and permissible LI uses and **shall not** include professional office uses with high-turnover or high intensity traffic, such as but not limited to corporate headquarters (*unless associated with a permitted LI use*), law offices, architectural office, insurance offices, medical offices, and health maintenance organizations.

E. UNDERSTORY TREE:

A small deciduous tree with a minimum caliper of two inches at time of planting, as measured six inches above level ground. Preferred species include, but are not limited to:

<u>Common Name</u>	<u>Botanical Name</u>
American Plum	Prunes americana
Amur Maple	Acer griseum
Bradford Pear	Pyres calleryana bradford
Dogwood	Cornus florida
Downy Serviceberry	Amelanchier arborea
Flowering Cherry	Prunes (various species)
Flowering Crabapple	Malus (various species)
Golden Raintree	Koelreuteria
Golden Chain	Laburnum Vossi
Japonica Regent	Sophora japonica regent
Purple Leaf Plum	Prunes cerasifera bliricana
Red Bud	Cercus canadensis
Shadblow	Amelanchier canadensis
Washington Hawthorne	Crataegus plaenopyrum

F. SHRUB:

Evergreen or deciduous bush or shrub of a minimum height of 30 inches at time of planting. Preferred species include, but are not limited to:

<u>Common Name</u>	<u>Botanical Name</u>
Azalea	various species
Cotoneaster	various species
Chinese Holly	Ilex comuta
English Yew	Taxus baccata
Euonymus	various species
Forsythia	various species
Japanese Holly	Ilex crenata
Japanese Yew	Taxus cuspidata
Rhododendron	various species
Viburnum	various species
Winged Euonymus	various species

ARTICLE 4 - SCHEDULE OF DISTRICT REGULATIONS
C-1 COMMERCIAL

DISTRICTS DESIGNATION AND INTENT

Designation: C-1 Commercially zoned land existing prior to adoption of this Ordinance.

Intent: This district is created in recognition of the existence of substantial areas designated previously as "C-1" which are presently committed to a form of development which is undesirable in the following respects:

- a. Multiple entrances along highways present a menace to public safety through numerous vehicular turning movements.
- b. Multiple entrances along highways which inhibit higher operating speeds and higher levels of service.
- c. Strip commercial development patterns produce aesthetic conditions characterized by marked and discordant contrast with the predominately rustic open character of the County's major highways.
- d. Optimum land development is often precluded by splitting parcels which are subsequently developed in piecemeal, uncoordinated manner.
- e. Lack of controls in previous regulations for requiring congestion lessening devices such as frontage roads, and for requiring adequate measures to prevent damage to neighborhood character and land values.
- f. Other patterns of commercial development are possible which better serve the county's interests of service efficiency, transportation safety, and aesthetic integrity.

It is not the intent of this ordinance to create additional C-1 districts, nor to enlarge the limits of existing C-1 districts.

PERMITTED PRINCIPAL USES AND STRUCTURES (see Article 6)

1. Agriculture, forestry, and fisheries provided however that no such use shall be permitted which because of the nature, location, or manner of operation is noxious, offensive or dangerous because of noise, odor, fumes, gas, glare, vibration, smoke, emission of particulate matter or effluents, or for other reasons.
2. Private school.
3. Circuses, carnivals or similar temporary activities when organized or sponsored by non-profit organizations.
4. Non-commercial fairgrounds.
5. Game preserves, wildlife sanctuaries.
6. Commercial greenhouse, nursery.
7. Wayside stands for display and sale of farm products.
8. Cemetery.
9. Funeral parlor, mortuary.
10. Exhibits operated by non-profit organizations.
11. Buildings used primarily for federal, county, or local government purposes.
12. Church, parish house, or similar religious/institutional use.
13. Private club or lodge.
14. Community center.
15. Volunteer fire and/or rescue squads structures and uses.
16. Structures and uses required for operation of a public utility, except uses involving extensive storage or storage as a primary purpose.
17. Boarding house, rooming house.
18. Farm machinery sales and service.
19. Feed and grain mill, farm supplies.
20. Radio, television station.
21. Retail stores.

22. Home service establishments such as exterminators, plumbing, decorators, appliance service.
23. Personal service establishments such as barbershops, laundries, financial institutions.
24. Office building.
25. Quick print shops. (adopted 3/17/86)
26. Convenience store, without gas pumps and if in compliance with Section 611. (adopted 3/17/86)

Permitted Accessory Uses and Structures (see Article 5 and 6)

Uses and structures which are customarily accessory and clearly incidental and subordinate to the permitted principal uses and structures including but not limited to:

1. Parking areas and loading spaces.
2. Dwelling unit, provided that: such unit shall occur only in conjunction with any permitted principle use or structure; that only one dwelling unit per establishment may be provided; and that said dwelling unit may be occupied only by the owner/manager, resident manager, watchman or caretaker of said activity, and their immediate families.
3. Enclosed outdoor storage.
4. Storage of lumber, building supplies, heavy machinery and the like.
5. Storage of tractors and trailers for freight haulers.

No accessory structure or use shall be constructed until the construction of the principal structure or use has begun and no accessory building shall be used until the principal building or use is completed and in use, provided however that temporary buildings and uses shall be permitted for not to exceed one year in connection with construction, with permits renewable as provided in Article 9.

No accessory structure or building shall be located closer than 15 ft. to the front property line.

SPECIAL EXCEPTIONS PERMISSIBLE BY BOARD OF ZONING APPEALS (see Article 6 and 9)

The following uses and structures shall be permitted in the C-1 zone upon issuance of a special exception by the Board of Zoning Appeals, upon favorable recommendations by the Planning Commission:

Commercial stable.

Veterinary services, animal hospital, kennel.

Auto sales and service.

Hotel, motel, with or without restaurant.

Indoor theatre.

Hospital.

Bowling alley, commercial billiard or pool room.

Automobile filling station. Auto repair garage, wrecking service. Restaurant.

Tavern, inn, bar. Shops for welding, blacksmith, tinsmith, woodworking.

Stone cutting, monument works.

Warehousing indoor storage.

Motor freight terminal, trans-shipment facility.

Private airport, heliport.

Borrow pit for road construction.

Bulk gasoline and petroleum storage.

Bottled gas storage and service.

Dairy products, manufacturing and processing.

Dance hall (commercial).

Dwelling, one or two family.

Fairgrounds, race track (commercial).

Trailer (occupied): one only on a lot which is owned by the owner of trailer, provided a dwelling is under construction for the owner on such lot and provided further that in no event shall said trailer remain on said lot for more than one year.

Labor camps, trailer camp used solely for housing of persons employed on one construction job or similar temporary project.

Zoo, museum.
Amusement Park (commercial).
Commercial recreational structures and uses.
Outdoor motion picture theatre.
Turkey shoot
Convenience store: If the standards of Section 611 are not met and/or gas pumps are included as part of the operation. (adopted 3/17/86)

SPECIAL EXCEPTIONS PERMISSIBLE BY BOARD OF SUPERVISORS UPON RECOMMENDATION BY PLANNING COMMISSION

Extraction of natural resources (revised 10/6/86).

MINIMUM LOT REQUIREMENTS: AREA, WIDTH, LENGTH/ WIDTH RATIO (see Article 5)

Minimum Lot Area: Except as otherwise required the minimum lot area of each lot in the C-1 district hereinafter created shall be 12,000 square feet. In all cases where public sewerage and water are not available the Planning Commission shall require a minimum of 25,000 square feet or such greater area as may be stipulated by the Loudoun County Department of Health as necessary to provide for adequate sanitary facilities
Minimum Lot Width: See Section 607 Supplementary Regulations --Commercial.
Length/Width Ratio: None

MINIMUM YARD REQUIREMENTS: DEPTH OF FRONT, REAR YARDS, DEPTH OF SIDE YARDS (Article 5)

Front Yard: 30 feet

Side Yard: No minimum requirement except:

That in any case where the lot adjoins a residential district without an intervening street or alley the minimum side yard shall be 25 feet on that side. Additionally, where structural side walls are not built to a lot line or a common wall along lot lines within commercial districts, a minimum side yard of 5 feet shall be established.

Rear yard: No minimum requirement except that in any case where the lot line abuts any residential district, the minimum rear yard, shall be 50 feet.

Limitation of Use in Required Yard: See Section 607 Supplementary Regulations- Commercial.

MAXIMUM LOT COVERAGE BY ALL BUILDINGS: 40 percent.

MAXIMUM HEIGHT OF BUILDING (see Article 5)

Other Buildings--35 feet, provided that a building may be erected to a maximum height of ninety feet if it is set back from every street and lot line in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot of height that it exceeds the 35-foot limit.

OFF-STREET PARKING REQUIREMENTS SPACE REQUIRED (see Article 5)

Off-street parking spaces shall be provided in all C-1 districts in accordance with the following schedule:

- a. Parking spaces shall be provided in relation to the net floor space provided in each principal structure in any C-1 lot.
- b. In structures which house retail and/or personal service establishments, the rate shall be: 1 parking space for each 187.50 square feet of net floor space.
- c. In structures where business offices and/or professional offices are located above the first floor level, the rate shall be: 1 parking space for each 375.0 square feet of net floor space.
- d. Requirements for other uses and activities. shall be determined by the Planning Director.
- e. Net Floor Space Determination: See Section 607 Supplementary Regulation - Commercial.

ARTICLE 5 -- GENERAL REGULATIONS

Except as otherwise specifically provided, the following general regulations shall apply:

501 USES GENERALLY

501.1 Determinations Concerning Unspecified Uses

Uses other than those specified in district regulations as permitted principal or accessory uses may be added to a district on application by a landowner if the Planning Commission and Board of Supervisors find:

- a. That there is no clear intent to exclude such uses;
and
- b. That the proposed use is appropriate within the district and would have no more adverse effects on other uses within the district; or uses in adjoining districts, than would uses of the same general character permitted in the district.

In such cases the Board shall proceed to amend the ordinance in accord with the provisions of Article 12.

501.2 Temporary Dwellings

The Zoning Administrator shall accept applications permitting the erection and occupancy of a temporary dwelling during the construction of a dwelling on same lot and shall refer the application for a permit for such temporary dwelling to the Board of Zoning Appeals for special exception action. In such cases, the Board of Zoning Appeals may specify appropriate conditions and requirements to be applied to the permit, in which event the permit shall be subject to such conditions and requirements.

501.3 Houses Displayed for Advertising Purposes

Construction of a house displayed for advertising purposes, not intended to be sold or occupied as a dwelling, whether in connection with a residential development or otherwise shall not commence until a performance bond adequate to insure the removal of the structure has been posted.

501.4 Portable Dwelling

Except as otherwise specifically provided in this ordinance, no portable dwelling, occupied or vacant, shall be located on any lot.

Article 5 - General Regulations

502 ACCESSORY USES AND STRUCTURES

502.1 Residential Occupancy of Accessory Buildings

Except as otherwise specifically provided in this ordinance, use of accessory buildings as dwellings or lodgings is expressly prohibited.

502.2 Parking, Storage or Use of Major Recreational Equipment in Residential Districts

The following regulations shall apply to parking or storage of major recreational equipment in residential districts.

502.2.1

Major recreational equipment defined. Major recreational equipment as defined for purposes of these regulations, includes travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, houseboats, and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.

502.2.2 No major recreational equipment shall be used for living, sleeping, or other occupancy when parked or stored on a residential lot, or in any other location not approved for such use.

502.2.3 Major recreational equipment six feet or more in average height; not parked or stored in a garage, car-port, or other building:

- a. Shall not be located in any required front or side yard;
- b. Shall be located at least three feet from all buildings.

502.3 Limitation on Parking/Storage of Inoperable Vehicles, Etc.

No residential lot, or common area serving such lot, located, within the PDH, R-1, R-2, or R-4 zoning district shall be used for the repair, maintenance, or restoration of motor vehicles other than those vehicles owned by and registered in the name of an occupant of the dwelling constituting the principal use for such lot. Provided, however, that this section shall not be interpreted to prohibit the operation of a home occupation, as otherwise permitted by this ordinance. (Amended December 5, 1983.)

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No inoperable vehicle shall be parked or stored outdoors for more than 1 week on a lot of less than ten (10) acres in area in any residential district. Not more than one inoperable vehicle may be parked outdoors at a time on any lot greater than ten (10) acres in area in any residential district. Any vehicle not displaying current license plates and inspection validation certificate as required by Virginia law shall be construed as an inoperable vehicle. Not more than one item of major recreational equipment not in operating condition shall be parked outdoors on any lot of less than ten (10) acres in area in any residential district.

No inoperable vehicle shall be so located on any lot in any residential district as to be visible from a Class I or II road.

502.4 Limitations on Parking of Trucks in Residential Districts

No truck with rated capacity of 1-1/2 tons or more shall be parked in any residential district (except for purposes of making pickups or deliveries) in any location other than either:

- a. Behind the nearest portion of buildings to streets;
- b. In any approved off-street parking area.

(NOTE: For regulations concerning exclusion of accessory buildings from yards, see Section 513.6.)

503 GENERAL REQUIREMENTS CONCERNING ARRANGEMENT AND LOCATION OF STRUCTURES

All buildings and other structures shall be so located and arranged on lots as to provide safe and convenient access for fire protection, servicing, and off-street parking located on the premises.

504 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT

In A-10 and A-3 districts only, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard, area, and other requirements of this ordinance shall be met for each structure as though it were on an individual lot. In residential districts, only one structure housing a permitted or permissible principal use may be erected on a single lot.

505 DRAINAGE

No building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Factors to be considered in determining substantial change shall include existing zoning, recommendations of the adopted Comprehensive Development Plan, and adopted drainage standards of the Virginia Highway Commission. In his administration of this requirement, the Zoning Administrator shall refer any application submitted to him to the County Engineer for a determination in the matter.

The following requirements shall apply to all proposed uses and structures:

1. A source of water supply sufficient to serve the proposed uses or structures must be approved in accordance with the district regulations and other requirements of this ordinance. The water supply must meet all applicable federal, state and local laws and regulations, including all state and local health department regulations and all local ordinances.

2. For any proposed subdivision, the water supply serving the lots must be approved prior to approval of the preliminary plan of subdivision. The water supply must meet all applicable federal, state and local laws and regulations, including all state and local health department regulations and all local ordinances. If the proposed lots are to be served by private groundwater wells, a sufficient water supply must be evidenced by hydrogeologic tests submitted with the preliminary plan of subdivision in conformance with Facilities Standards Manual, Section 6.210.

3. Whenever a proposed use or structure is to be served by a private groundwater well, no zoning permit shall be issued until the well has been tested in accordance with the regulations of the Codified Ordinances of Loudoun County, Chapter 1040 (Water Wells). (Amended 11/7/88)

LOTS, YARDS AND RELATED TERMS, REQUIREMENTS,
LIMITATIONS AND METHODS FOR MEASUREMENT

510 DEFINITIONS, GENERAL TERMS

510.1 Lot

A parcel of land occupied or to be occupied by a building and its accessory buildings or, by group dwellings and their accessory buildings together with such open spaces as are required, under the provisions of this ordinance, having at least a minimum area and dimensions required by this ordinance for lots in the zone in which the lot is situated, and having its principal frontage on a Class I, II or III road. The term "record lot" means the land designated as a separate and distinct parcel of land on a legally recorded subdivision plat filed among the land records of Loudoun County, but does not include land identified in any such plats as an out-lot. A lot may consist of an individual lot of record, or combinations of adjacent recorded lots and/or portions of lots.

510.2 Yard

For purposes of these regulations, a yard is defined as an open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward (except as provided in Sections 502 and 513).

510.3 Required Yard

A yard, as defined above, located along the perimeter of a lot, the dimensions of which are set by the district regulations of this ordinance.

511 LOT ACCESS REQUIREMENTS

No structure requiring a building permit shall be erected upon any lot which does not have frontage on a Class I; Class II, or Class III road as specified in the schedule of district regulations, except as specifically provided in subdivision regulations, or in multi-family dwelling and industrial park developments regulated in Article 7.

512 VISIBILITY CLEARANCE AT INTERSECTIONS

For protection against traffic hazards, no material impediment to visibility (defined as any impediment which could conceal a child on a bicycle from an approaching driver) shall be placed, allowed to grow, erected or maintained within visibility triangles described as follows:

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a. At street intersections: The apex is at the intersecting right-of-way lines, the sides are 25 feet in length, and the base runs through the lot.

b. At driveway intersection with streets: The apex of the triangle is at the intersection of the street right-of-way line with the edge of the driving surface of the driveway nearest to the approaching traffic lane, the side of the triangle coterminous with the street right-of-way line is 25 feet in length, the side of the triangle coterminous with said edge of driveway is 20 feet in length, and the base runs through the lot.

c. Exceptions: Where terrain features present substantial obstacles to provision and maintenance of such visibility triangles, the Zoning Administrator may permit the provision and maintenance of lesser visibility clearance, but such clearance shall be the maximum which is reasonably practicable to provide and maintain.

513 USES AND STRUCTURES PERMITTED IN REQUIRED YARDS

The following uses and structures shall be permitted in required yards, subject to the limitations established:

513.1 Fences, Walls and Hedges

Fences, walls and hedges, which in residential districts shall not exceed six feet in height for solid portions, or an additional two feet for portions which are at least 50% open, subject to visibility clearance requirements as set forth in Section 512.

513.2 Covered Entry Porches

Covered entry porches, enclosed or unenclosed, may project into any required yard, provided that no such porch shall project more than three (3) feet into such yard; or be closer than three (3) feet to any lot line.

513.3 Balconies

Balconies may project not more than four (4) feet into any required yard other than a front yard, but shall not be closer than three (3) feet to any lot line.

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513.4 Architectural Features, Chimneys, Eaves, or the Like

Architectural features, chimneys, eaves, or the like may project into required side or rear yards not more than 24 inches, but not closer than three (3) feet to any lot line, and into required front yards not more than three (3) feet.

513.5 Air Conditioners

Air conditioners rated at 24,000 BTU or less shall not be so placed hereafter so as to discharge air within five (5) feet of lot lines, and those rated over 24,000 BTU to discharge air within 12 feet of lot lines except where said air conditioners are separated from lot lines either by projections of buildings or by streets, alleys, or permanent open space at least 20 feet in minimum dimensions.

513.6 Accessory Buildings in Required Yards

No portion of any accessory building shall be permitted in any required yard, provided however, that if no utility or drainage easements are adversely affected, accessory buildings or portions thereof may be erected either to within two (2) feet of adjacent lot lines (if such buildings are separated) or to a common wall, in portions of required yards which are located as follows:

513.6.1 On regular lots, at least 60 feet from street lines at a front or the lot, and at least 25 feet from any street lines at the side of the lot.

513.6.2 On irregular lots, at least 40 feet behind the front line of any building adjacent to the lot line, and at least 25 feet from any access easement.

514 REGULAR LOTS

514.1 Regular Lots Defined

A regular lot is a lot with direct access to a Class I, Class II, or Class III road, so located, shaped and oriented to adjacent lots as to be reasonably adapted to application of general measurements indicated below, and with location of yards by type (front, side, rear and special) logically determined by and related to adjacent street or streets and adjacent yard patterns. A regular through lot has frontage on two Class I, Class II or Class III roads.

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514.2 Regular Lots, Width Measurements

The width of a regular lot shall be determined by measurement across the rear of the required front yard, the width between side lot lines extended at the points where they intersect with a street line shall not be less than 80% of the required width. However, in cases where lots front on curved or circular (culs de sac) streets, the radii of which do not exceed 90 feet, the distances between side lot lines extended where they intersect with the street line may be reduced to 60% (measured in a straight line between the points where side lot lines extended intersect the street line.)

514.3 Regular Lots, Frontage

514.3.1 On regular interior lots, the front shall be construed to be a portion nearest the street.

514.3.2 On regular corner lots, the front shall be construed to be the shortest boundary fronting on a street. If the lot has equal frontage on two or more streets, frontage shall be construed in accordance with the prevailing building pattern, nor the prevailing lotting pattern if a building pattern has not been established.

514.3.3 On regular through corner lots, if the shortest boundary fronting on a street is 80 per cent or more of the length of the longest boundary fronting on a street, the applicant may select either frontage if lot width requirements of the district are met.

514.3.4 On regular through lots, all portions adjacent to streets shall be considered in establishing frontage for regulatory purposes. If the Zoning Administrator finds that the pattern of lots and/or the pattern of required yards on lots adjacent to portions of the through lot is such as to justify a requirement that more than one front yard be provided on such lot, he shall make such a requirement.

514.4 Regular Lots, Yards Adjacent to Street

514.4.1 Front yards of the depth required in the district shall be provided across the frontage of a regular lot, and may be required on more than one frontage, as provided for in Section 514.3.4 above.

514.4.2 Other yards adjacent to streets shall be provided across or along the portion of the lot adjacent to the street, and shall be half the minimum dimension for required front yards in the district.

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514.4.3 Street line for measurement of required yards adjacent to streets. Where the lot line adjacent to a street is straight, required yards shall be measured from such line, extended in the case of rounded corners. On convex lots, a straight line shall be drawn between the two points at which lot lines for the portion of the lot involved intersects street lines, extended in the case of rounded corners. On concave lots, a straight line shall be drawn tangent to the arc of curve at the street line, extended in the case of rounded corners. Depth of required yards adjacent to streets shall be measured perpendicular to such straight lines, and the inner line of such required yards shall be parallel to the outer line.

514.5 Rear Yards on Interior Regular Lots

Rear yards on interior regular lots shall be provided at the depth required for the district, and shall run across the full width of the lot at the rear. Depth of a required rear yard shall be measured in such a manner that the yard is a strip of minimum depth required by district regulations with its inner edge parallel to its outer edge.

514.6 Yards on Corner Lots

Corner lots shall be deemed to have no rear yards, but only a full-depth front yard, a half-depth front yard and side yards. Through lot shall be deemed to have either two full-depth front yards, or one full depth and one half-depth front yards, and two side yards.

514.7 Side Yards on Regular Lots

Side yards on regular lots are defined as running from the required front yard line to the required rear yard line. On regular through lots the required side yard shall run from the required front yard line to the second required front yard line (see Section 514.3.4.). On corner lots the required side yards shall run from the point where side yard lines intersect, to required front yard lines.

515 IRREGULAR LOTS

515.1 Irregular Lot, Defined

An irregular lot is defined as a lot, usually but not always with sole access from a Class III road, which is so located, shaped or oriented to adjacent lots that application of general measurement methods or dimensional yard requirements of the district in

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which located serve no significant public purpose, and/or with location of yards by type (front, side and rear) not logically determined by nor related to yard patterns on nearby regular lots.

515.2 Irregular Lots, Dimensional Requirements

An irregular lot shall be considered to meet the dimensional requirements of the district in which located, provided:

515.2.1 Lot area shall meet district requirements for the purposed use. Lot width need not meet district requirements if requirements set forth below are met.

515.2.2 Open space in required yards and elsewhere on the lot shall be not less than as required for the use in the district on a regular rectangular lot of required minimum width and area.

515.2.3 Building area remaining after required yards have been provided shall have dimensions and location appropriate for all buildings proposed.

515.3 Irregular Lots, Yard Requirements

In general, all yards shall provide at least the same separation from all lot lines as required for minimum side yards in the district, provided, however, that where district regulations permit building to the lot line of a regular lot under specified circumstances, the same regulations shall apply on an irregular lot, except as provided with relation to accessory buildings in Section 513.6. Additionally, if an irregular lot abuts a street at any point, a distance equal to the required yard on a regular lot adjacent to a street in the district shall be provided.

516 LOT COVERAGE BY BUILDINGS

Except as otherwise specifically provided, in computations to determine lot coverage by buildings, buildings coverage shall be construed as including all areas under roofs or projections from buildings on the lot.

517 DEVELOPMENTS UNDER AGREEMENT ON ADJACENT LOTS - SPECIAL PERMIT

517.1 Intent

Where development is on a lot-by-lot basis, rather than in planned developments as specially regulated by

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this ordinance, it is intended to permit joint action by adjoining property owners which allows greater flexibility in the use of the land but accomplishes public regulatory purposes to an equivalent or higher degree than regulation on the individual lots. Such joint action shall be only by special permit by the Planning Commission, and shall not alter the effect of regulations applicable in the district to the area under agreement as a whole, but may alter the effect on individual lots within the area under agreement, provided, however, that at the edges of such area, the relation to adjoining property shall be the same as where regulation is applied on a lot-by-lot basis.

517.2 Special Permit Application

In addition to general procedures and requirements for special permits, the following limitations and requirements shall apply. Applicants shall be owners of adjoining lots located in a compact and regular pattern logical in terms of the form of development proposed, and shall propose in the plan submitted to build or permit building on such lots in a manner which, because of the location of lot lines and/or the pattern of individual ownership, would not be permitted under generally applicable regulations applying to individual lots and yards. The plan shall demonstrate that development as proposed for the area under agreement as a whole conforms to the regulations for the district in such a manner that light, air, view, privacy, access, density, area ratios, height, bulk, off-street parking and other objectives of public control are satisfied to an equivalent or higher degree than if regulated on a lot-by-lot basis, and that at the edges of such areas under agreement the effect on adjoining lots will be the same, or of lesser adverse effect, than if regulation within the area were on a lot-by-lot basis.

517.3 Agreement Between Property Owners With Enforcement Running to County

The applicants shall agree to bind themselves and their successors in title, individually and collectively, to maintain the pattern of development proposed in such a way that for the area of agreement as a whole there will be conformity with applicable zoning regulations, and that enforcement of such agreement shall include the County.

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517.4 Action by Planning Commission

If the Planning Commission finds that in fact the area of agreement is compact, regular and logical in relation to the form of development proposed, that the proposed development for the area of agreement as a whole conforms to the intent and requirements set forth above, and that the proposed agreement assures future protection of public interest and achievement of public objectives to the same or a higher degree than would application of regulations to the individual properties, it shall issue the special permit. No such permit shall have the effect of diminishing the requirements or increasing the maximum allowances of this ordinance as applied to the area of agreement as a whole, but the permit may permit specified changes in the effect of the regulations on specified individual lots or locations within the area of agreement so long as the overall balance remains in accord with zoning regulations generally applicable.

At the time of issuance of the special permit, the agreement, which shall be part of the conditions of the permit, shall be filed in the offices of the Planning Commission and Department of Inspections and notations shall be made on the zoning map for future guidance in administration and as a public record.

520 HEIGHT OF BUILDING AND OTHER STRUCTURES

520.1 Intent

It is the intent of these height regulations to secure safety, to provide adequate light and air, and to protect the character of districts and the interests of the general public in important views. To accomplish these purposes; the following requirements and limitations are established.

520.2 Fire and Safety Requirements

520.2.1 Fire protection. No building exceeding 40 feet in height above grade shall be erected without certification from the County Fire Marshall that such building, as proposed to be located, constructed and equipped, and particularly occupants of upper stories, can be properly protected in case of fire. In the case of structures other than buildings exceeding 40 feet in height, fine Planning Commission may require such certification where a determination is made that there is substantial fire danger to surrounding properties.

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520.2.2 Aviation hazards. No building or other structure shall be located in a manner or built to a height which constitutes a hazard to aerial navigation. Where a structure is proposed in a location or to be built to a height which the Planning Commission believes may be hazardous to air traffic, such structure shall not be erected without certification from the Federal Aviation Administration that as proposed to be located, constructed and equipped, it will not constitute a hazard to air traffic.

520.3 Building, height of. Building height is defined as the vertical distance in the case of flat roofs to the level of the highest point of the roof and in the case of pitched roofs to the mean level between the eaves and the highest point of the roof, from the average ground level (undisturbed grade) at all sides of the building. The term "actual height of the building" as used with respect to the location of signs, shall not be deemed to include any part of the building that consists of a sign structure or that is erected for the primary purpose of displaying a sign.

520.4 Height Limitations

520.4.1 Exceptions--excluded from application. The height limitations of this chapter shall not apply to barns, silos, farm buildings, residential chimneys, spires, flag poles, monuments or transmission towers and cables; nor to any smokestack, water tank, radio or television antenna or tower not exceeding in height the distance therefrom to the nearest lot line; provided, that this height limitation shall not apply to any of the above enumerated structures now or hereafter located on existing public utility easements.

520.4.2 Exceptions--limited. Towers, gables, penthouses, scenery lofts, cupolas, similar structures and necessary mechanical appurtenances may be erected on a building to a height greater than the limit established for the district in which the building is located; provided, that no such exception shall cover at any level more than fifteen per cent of the area of the lot; provided further, that no such exception shall be used other than as the following are incidental to the permitted use of the main building: (a) for sleeping or housekeeping purposes, or (b) for any commercial or industrial purpose.

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520.4.3 Parapet walls, cornices, etc. A parapet wall, cornice or similar projection may exceed the height limit established for the district by not more than three feet, but shall not extend more than three feet above the roof level of any building.

520.4.4 Accessory building in residential districts. Except as permitted by the provisions of Section 301.1, no accessory building in a residential district shall exceed a height of sixteen feet.

523 SIGNS - COMPLIANCE

All signs shall comply with the following provisions and it shall be unlawful for any person to erect or maintain a sign which does not comply.

523.1 Certain Signs Prohibited

Signs with any of the following characteristics:

523.1.1 Violates Virginia law. Violates any provisions of the laws of Virginia relating to outdoor advertising including Sections 33-298 to 33-327 inclusive, Sections 33-279 and 46-187 of the Code of Virginia, as amended;

523.1.2 Other than on property or structure to which it directs attention. Is located anywhere other than on the property or structure to which it directs attention or to which it is appurtenant, except (a) any sign erected or maintained by or under the supervision of county or other governmental authority or the Virginia Department of Highways, and (b) any other sign which is specifically provided for in this article;

523.1.3 Outlines any building with neon or other lights. Outlines any building or part thereof with neon or other lights;

523.1.4 On trees, fences, public utility pole, etc. Is fastened, placed, painted, pasted or attached in any way to, in or upon any tree, fence, public utility pole, rock, curbstone, sidewalk, lamp post, hydrant, bridge, highway marker or another sign except such as may be (a) required by law, (b) so placed by a duly authorized governmental agency, (c) so placed not as an advertisement, but as a warning against hunting, fishing or trespassing, or (d) not visible from any highway.

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523.1.5 Illuminated signs which reflect or cast glare, directly or indirectly, on any public roadway or adjacent property.

523.2 Signs Permitted

Only signs as listed described or otherwise provided for as follows shall be permitted, and these shall be subject to such regulations as are specifically set forth in each case and to all other regulations in this ordinance. No other signs shall be permitted.

523.2.1 Government signs. Signs erected and maintained by the Virginia Department of Highways or other governmental authorities in accordance with law.

523.2.2 Historical markers erected by duly authorized public authorities.

523.2.3 Danger; aviation, railroad, bridge, ferry transportation, Red Cross, and other signs as set forth in Section 33.1-355 (5), (6), (7), (8), (15) and (17) of the Code of Virginia 1950, as amended.

523.2.4 Hunting, fishing or trespassing signs erected on the appurtenant property soled as a warning or notice. Such signs shall not exceed an area of 1.5 square feet and shall not be illuminated.

523.2.5 Informational signs of a public or quasi-public nature identifying or locating a town, planned community, hospital, community center, public building or historic place situated in Loudoun County, Virginia, and also signs identifying or locating a school, college, YMCA, YWCA, church or similar place of worship, board of trade, service club, soil conservation activity, 4-H Club, Isaac Walton League, Chamber of Commerce, or similar public or quasi-public activity for religious, civic, educational or cultural purpose, and signs drawing attention to public parking lots, rest rooms or other public conveniences relating to such places or activities. Such signs shall not exceed an area of 6 square feet, shall not be illuminated, shall contain no advertising matter, and shall be set back not less than 5 feet from the fronting highway right-of-way. Nothing contained herein shall be construed to limit the effect of regulations applicable to government signs or historical markers.

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- 523.2.6 Official notices or signs posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties, or by trustees under deeds of trust, deeds of assignment or similar instruments. Such signs shall not exceed an area of 2 square feet, shall not be illuminated and shall contain no advertising matter, other than that which may be required by law.
- 523.2.7 Church bulletin boards, not exceeding 50 square feet in total area, located on the church property.
- 523.2.8 Name signs upon property displaying the name and/or address of the owner, lessee or occupant of the premises. There shall be permitted only two such signs for each dwelling, lot or property. Such signs shall not exceed an area of 2 square feet each and shall contain no advertising matter.
- 523.2.9 Home occupational signs upon property displaying the name and/or address of the occupant of the premises and the nature of the home occupation. There shall be permitted only one such sign upon one lot or parcel of property. Such sign shall not exceed a total area of 1 square feet, shall not be illuminated, and shall be set back no less than 5 feet from the fronting highway right-of-way. (Amended 4/17/79)
- 523.2.10 Tourist home signs announcing accommodations only when located on the premises. There shall be permitted only two such signs upon one lot. Such signs shall not exceed a total area of 6 square feet, and shall be set back not less than 5 feet from the fronting highway right-of-way. Such signs may be illuminated by using white lights only.
- 523.2.11 Farm signs erected or maintained on any farm by a owner or tenant of such farm and relating solely to farm or horticultural produce, livestock, or services sold, produced, manufactured or furnished on such farm. There shall be only two such signs upon one farm property. Such signs on any one farm property shall not exceed a total area of 12 square feet and they shall be set back not less than 5 feet from the fronting highway right-of-way, except that the total area may be 25 square feet if they are set back 40 feet or more from the fronting highway right-of-way.

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- 523.2.12 Wayside stand signs erected or maintained on any farm by the owner or tenant of such farm and relating solely to farm or horticultural produce, livestock or merchandise sold from said stand and produced on the farm property where the signs are located. There shall be not more than 3 such wayside stand signs permitted upon each farm property (in addition to the farm signs permitted under 523.2.11 hereof). With respect to such 3 wayside stand signs and the 2 farm signs (or a total of 5 signs) the following regulations shall apply. The total area of the 5 signs shall not exceed 30 square feet. The maximum area of any one of the 5 shall be 25 square feet, and the total area of the 3 largest signs shall not exceed 34 square feet. No such sign shall be set back less than 5 feet and any such sign whose area is more than 12 square feet shall be set back at least 40 feet from the fronting highway right-of-way.
- 523.2.13 Store window signs or displays on or within store windows relating to the business conducted within; or to amusements or civic, religious, cultural, educational or charitable activities.
- 523.2.14 Construction signs erected and maintained on the site of a structure during the period of construction to announce only the nature of the structure and/or the name or names of the owner, contractor, architect, landscape architect, or engineer. There shall be permitted only one such sign upon one site for each contractor or sub-contractor. Such signs shall not exceed an area of 12 square feet, each shall not be illuminated: and shall be set back not less than 10 feet from the fronting highway right-of-way.
- 523.2.15 Real estate signs pertaining only to the offering for sale or lease of the land or structures on the land upon which the sign is placed. There shall be permitted only one such sign upon any lot of less than 10 acres. For a lot in excess of 10 acres there shall be permitted two such signs. In all residential zones the area of such signs shall not exceed 4 square feet each, except that in the case of a lawful subdivision one such sign may be erected and maintained with an area of not more than 25 square feet, provided that the area of all real estate signs within the subdivision which front on a public highway averages no more than 4 square feet per lot fronting on the highway. Such signs shall not be illuminated and shall be set back at least 5 feet from the fronting highway right-of-way line. In all commercial and industrial zones, the area of such signs shall not exceed 25 square feet each. Such signs shall not be illuminated, and shall be set back at least 5 feet from the fronting highway right-of-way.

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523.2.16 Motel and trailer camp signs announcing accommodations and services only when located on the premises occupied by the motel or trailer camp. No such sign shall exceed 25 square feet in area and the total of all such signs relating to any one motel or trailer camp shall not exceed four in number nor a total of 50 square feet in area. Such signs may be illuminated by white lights only.

523.2.17 Theatre and outdoor motion picture theatre signs relating only to the theatre business on the property. No such sign shall exceed 60 square feet in area and the total of all such signs relating to any one theatre shall not exceed four in number, nor a total of 60 square feet in area. Such signs may be illuminated by white lights only.

523.2.18 Business signs of a character which have not been listed or described heretofore in the sub-sections of this article provided they advertise only goods or services offered on the premises and subject to the following:

a. In any residential district there shall be permitted on any one lot of 10 acres or less not more than one such sign with respect to any one business use, and on any one lot of more than 10 acres not more than 2 such signs with respect to any one business use, provided that no such sign shall exceed 4 square feet in area, be illuminated, or be located within 10 feet of the front street line.

b. In A-3 and A-10 districts there shall be permitted, on any one lot of record not more than two such signs with respect to any one business use, provided they do not exceed 12 square feet in total area, they are not illuminated, and are set back 15 feet from the fronting highway right-of-way.

c. In any commercial or industrial districts there shall be permitted on any one lot 3 such signs with respect to any one business use, no one of which shall exceed an area of 30 square feet in the case of a C-1 or PD-CH district, and 60 square feet in the case of a PD-SC and any industrial district, and the aggregate area of which shall not exceed 60 square feet in the case of a C-1 or PD-CH district or 100 square feet in the case of an PD-SC and any industrial district provided they are set back from the fronting highway right-of-way not less than 10 feet and provided that in a PD-IP and PD-AI district no sign shall be closer than 25 feet to a street right-

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of-way line. One sign not to exceed 75 square feet shall be permitted for a shopping center, commercial development, or industrial park; in addition to sign permitted above. No such sign shall be closer to any highway right-of-way than 10 feet.

523.2.19 Temporary signs may be permitted in reasonable number as determined by the Zoning Administrator, provided these are not illuminated and a permit is obtained from the Zoning Administrator if required as hereinafter provided and subject to the following regulations:

a. In R-2, R-4 and PDH Zones such signs shall not exceed 2 square feet in area;

b. In A-10, A-3 and R-1 Zones such signs shall not exceed 4-square feet in area;

c. Any person desiring to erect 3 or more temporary signs for one activity shall first, obtain a temporary sign permit from the Zoning Administrator, giving all reasonable information required. The Zoning Administrator shall grant no temporary, sign permit for a period of more than 3 months, and only upon written agreement by the applicant that the signs shall be removed at applicant's expense before the expiration of a date specified in the permit. A reasonable bond to insure such removal may be required by the Zoning Administrator.

523.3 Removal of Signs

Whenever a sign becomes structurally unsafe or endangers the safety of a structure or premise or the public, or is erected or maintained in violation of this ordinance, the Zoning Administrator shall order such sign to be made safe or comply with ordinance, as the case may be, or be removed. Such order shall be sent by registered mail and shall be complied with within 12 days from the date of mailing said order by the person owning or responsible for the sign. Failure to comply shall constitute grounds for the Zoning Administrator to have the sign removed, and the cost thereof shall be added to any fine imposed for violation under this ordinance.

523.4 Non-Conforming Signs and Removal

Any sign lawfully in existence at the time of the effective date of this ordinance may be maintained although it does not conform with the provisions of this ordinance, except that any such non-conforming sign,

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the area of which is over 60 square feet, shall be removed prior to December 31, 1982, provided however that where prior zoning ordinances required earlier removal signs required to be removed under such ordinances shall be so removed.

523.5 Traffic Hazards

No sign shall be located or illuminated in such a manner as, in the opinion of the County Resident Engineer, to cause a traffic hazard. Where a permit is required, the permit shall not be issued until the location and illumination, if any, of the sign are approved by the County Resident Engineer.

523.6 Sign Permits

No sign in excess of 20 square feet in area shall be erected without first obtaining a sign permit from the Zoning Administrator. No such permit shall be issued unless a fee is paid therefore (Section 908), and unless the proposed sign conforms with the requirements of this ordinance.

525 OFF-STREET PARKING AND SERVICE AREAS

525.1 Off-Street Parking

All off-street parking shall conform to the requirements of Chapter 7.000 of the Facilities Standards Manual. (Adopted by the Loudoun County Board of Supervisors 11/19/84; effective 12/1/84.)

525.1.3 All off-street parking spaces shall be graded, improved, and maintained in a manner permitting safe and convenient use. All off-street parking spaces, areas, and accessways with a required capacity of four (4) or more vehicles, loading and service areas, and related accessways shall be well drained and provided with a dustless surface.

Notwithstanding the foregoing, special exception uses which are permitted in the A-10, A-3, and R-1 Zoning Districts may be excluded from the requirement for a dust less surface upon a showing by the applicant that:

1. Adjacent zoning and land uses will not be adversely affected;
2. The extent of the required parking areas would not have a detrimental effect on adjacent properties;
3. The characteristics and frequency of traffic use will not generate the need for a dustless surface;
4. Setbacks, landscaping, and other dust control measures provided by the applicant will protect adjacent properties;
5. A provision for a paved transition for paved roadways is provided by the applicant. (Adopted 7/14/83)

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- 525.1.5 Where parking, service or loading areas are illuminated, light shall be shielded and directed in such a manner as to avoid adverse effects on adjoining uses or on streets.

All off-street parking space and off-street loading space shall be provided with safe and convenient access to a street. If any such space is located contiguous to a street, the street side thereof shall be curbed, and ingress and egress shall be provided only through the curb, located and constructed in accordance with specifications prescribed by the County Engineer. All offstreet parking space, loading space, aisles, and driveways, except those provided for single-family dwellings, shall be well drained and provided with a dustless surface.

- 525.2 Buffer Required Where Adjoining Property is Residential

Where off-street parking areas for four (4) or more automobiles, or loading or service areas, are to be located closer than fifty: (50) feet to a lot in any residential zoning district, or to any lot upon which a dwelling exists as a conforming use under these regulations without an intervening street, and where such parking, loading or service areas are not entirely screened visually from first floor residential windows at such adjacent locations there shall be provided on the lot with the parking a continuous visual buffer with a minimum height of six (6) feet. The buffer shall be a compact evergreen hedge or other foliage having the same effect, or shall be a combined fence or wall with shrubbery screening on the side toward the residential lot.

No such buffer shall extend into any required yard adjacent to a street, or be so located as to interfere with traffic visibility required for reasons of safety.

- 525.3 Off-Street Parking and Loading Space Prohibited in Required Yards Adjacent to Streets

Except as otherwise specifically provided herein, no off-street parking areas for four (4) or more automobiles, and no loading space, shall be permitted in any required yard adjacent to a street, nor shall any maneuvering areas serving such spaces be so located.

- 525.4 Other Limitations on Use of Off-Street Parking and Loading Areas

No required off-street parking or loading area shall be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials or supplies, and

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no other parking or loading area or other area on a lot shall be used for such purposes unless permitted under district regulations.

525.5 Off-Street Parking Facilities to be on Same Lot as Principal Use: _ Exceptions

Required off-street parking facilities shall be on the same lot with the principal use or structure except as provided below. Special exceptions may be permitted by the Board of Zoning Appeals to allow off-lot parking within the distances indicated, as measured by normal pedestrian routes, subject to buffering and design and improvement standards applying generally to off-street parking areas, to special conditions and safeguards called for in the circumstances of the case, and to requirement of satisfactory assurance that such required parking will remain available for the use or structure, or that equivalent similarly-approved parking will be provided before such parking is diminished in whole or in part.

Where it is impracticable to provide all or part of required off-street parking on the same lot, the Board of Zoning Appeals may permit off-lot parking not more than the indicated distance from the uses served, and in the same district or in a district appearing after said district in the Schedule of District Regulations, except as indicated at Section 525.6 below. Distances shall be measured along pedestrian routes, and from the nearest portion of the off-street parking facility to an entrance to the use served.

	<u>Maximum Distance to Off-Site Parking Facility</u> (feet)
One and two-family detached and semi-detached	Must be on same lot
One and two-family attached	150
All other uses	600

525.6 Off-Site Parking for Non-Residential Uses in Residential Districts

Where non-residential conforming uses are eligible for off-lot parking under the terms set forth above, in connection with the special exception proceedings

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involved, the Board of Zoning Appeals may permit such parking to be located in portions of any residential district:

- a. Adjoining the non-residential district at the side on the same side of the street, or
- b. Across the street from the non-residential district.

525.7 Joint Parking Facilities

Where there are multiple uses on one lot, or where uses on adjoining lots propose to combine parking areas and/or accessways, such joint parking facilities shall be permitted, subject to the general requirements and limitations-applying to all parking areas. Such combinations shall be permitted by the Zoning Administrator subject to the general requirements and standards set forth, without special exception action by the Board of Zoning Appeals.

Where it is proposed to establish off-site joint parking facilities not contiguous to the uses served, but serving more than one use, such facilities may be permitted by special exception through the Board of Zoning Appeals, as provided in Section 525.5.

525.8 Parking Facilities for One Use Not to be Considered as Meeting Requirements for Another: Exceptions

Off-street parking facilities required for one use shall not be considered as providing required facilities for any other use, provided however, that half of the off-street parking spaces required by any use with peak attendance during the daytime or during weekdays may be assigned to a use open customarily only at night or on Sundays. In such cases, a legal instrument certifying the terms of the assignment shall be submitted to the Zoning Administrator, and no such assignment shall be permitted unless such instrument is approved as to content by the Zoning Administrator and as to form by the Commonwealth Attorney.

525.9 Computation of Off-Street Parking Requirements

The following rules shall apply in computation of off-street parking requirements:

525.9.1 Fractional spaces. Where requirements result in computations including fractional off-street parking

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spaces, any fraction up to and including one-half shall be disregarded and fraction over one-half shall be counted as one space.

525.9.2 Computing number of employees. Where requirements are based on number of employees, number shall be computed as the average number employed on the shift with highest usual employment.

526 OFF-STREET LOADING SPACE

Off-street loading facilities shall be provided on the premises of any use hereafter established or enlarged which during the course of a normal operating week customarily receives or distributes goods or materials by trucks. There shall be sufficient spaces to accommodate the maximum number of such trucks that will normally be loading, unloading or stored on the premises at any one time.

526.1 Off-Street Loading

All off-street loading spaces shall conform to the requirements of Chapter 7.000 of the Facilities Standards Manual. (Adopted by the Loudoun County Board of Supervisors 11/19/84; effective 12/1/84.)

526.1.2 Computation of off-street loading requirements.
In computing off-street loading requirements, where

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computations indicate fractional loading spaces, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be counted as one space.

527 MINIMUM PARKING AND LOADING SPACE REQUIREMENTS FOR USE NOT SPECIFIED

Where minimum parking or loading space is not specified herein for particular uses, the Zoning Administrator shall determine requirements appropriate to the use, guided by anticipated employment, number of residents and visitors, and by the anticipated need for off-street loading space. Appeals from any such determination shall be to the Board of Zoning Appeals.

528 REQUIRED OFF-STREET: PARKING AND LOADING SPACES TO BE MAINTAINED

Where off-street parking and loading spaces are required by these regulations, no owner or occupant of any land or building shall discontinue; change or dispense with such facilities without establishing alternate facilities complying equally with the requirements of these regulations.

535 PERFORMANCE STANDARDS - APPLICATIONS

The following performance standards shall apply to industrial districts as indicated. For other districts the performance standard indicated for PD-IP and PD-GI shall apply, except as specifically provided in Section 535.1.4.

535.1 Noise

All sources of noise (except those not under direct control of occupant or use, such as vehicles), must not create sound or impact noise levels in excess of the values specified below when measured at the points indicated. In addition, before 7 a.m. and after 7 p.m. the permissible sound levels at residential district boundaries where adjoining nonresidential districts shall be reduced by 5 decibels in each octave band and in the overall band for impact noises.

535.1.1 Method of measurement and meaning of terms: Noise shall be measured by means of a sound level meter and octave band analyzer, calibrated in decibels (re 0.0002 microbar).

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Impact noises shall be measured by means of an impact noise analyzer. Impact noises are those whose peak values fluctuate more than 6 decibels from the steady values indicated on the sound level meter set at fast response.

"Decibel" means a prescribed interval of sound frequencies which classifies sound according to its pitch.

"Octave band" means a prescribed interval of sound frequencies which classifies sound according to its pitch.

"Preferred frequency octave bands" means a standardized series of octave bands prescribed by the American Standards Association in S1.6-1960 Preferred Frequencies for Acoustical Measurements.

"Sound level meter" means an electronic instrument which includes a microphone, an amplifier and an output meter which measure a noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

535.1.2 In PD-IP and PD-GI districts:

Maximum Permitted Sound Levels (decibels)		
<u>Preferred Frequency Octave Bands</u>		
<u>Location of Measurement</u>		
<u>Octave band,</u> <u>cycles/second</u>	<u>At residential</u> <u>district boundaries</u>	<u>At other lot lines</u> <u>within district</u>
31.5	62	70
63	64	72
125	60	70
250	54	65
500	48	59
1000	42	55
2000	38	51
4000	34	47
8000	30	44
Over-all for impact noise	80	90

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535.1.3 In I-1 districts:

Maximum Permitted Sound Levels (decibels)
Preferred Frequency Octave Bands

Area of Measurement

<u>At residential district boundaries</u>	<u>At other I-1 boundaries</u>
31.5	70
63	71
125	65
250	57
500	50
1000	45
2000	39
4000	35
8000	32
Over-all for impact noise	85

535.1.4 Exceptions: The limitations above stated shall not apply within any PD-AI district nor within any area subject to a Noise Exposure Forecast in excess of the 30 level as indicated on the "Noise Exposure Forecast (NEF) Areas in the Vicinity of Duller International Airport for 1975 Operations, September 1969" as prepared by FAA. The boundaries of such areas within Loudoun County are indicated on the zoning map.

535.2 Vibration

The produce of displacement in inches times the frequency in cycles per second of earthborne vibrations from any activity shall not exceed the values specified below when measured at the points indicated.

535.2.1 Method of measurement and meaning of terms: Earthborne vibrations shall be measured by means of a three-component recording system, capable of measuring vibration in three mutually perpendicular directions. The displacement shall be the maximum instantaneous vector sum of the amplitude in the three directions.

"Vibrations" means the periodic displacement or oscillation of the earth.

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535.2.2 In PD-IP and PD-GI districts:

Area of Measurement

<u>Type of Vibration</u>	<u>At residential district boundaries</u>	<u>At other lot lines within district</u>
Continuous	.003	.015
Impulsive (100 per minute or less)	.006	.030
Less than 8 pulses per 24 hours	.015	.075

535.2.3 In I-1 districts:

Area of Measurement

<u>Type of Vibration</u>	<u>At residential district boundaries</u>	<u>At other I-1 boundaries</u>
Continuous	.003	.030
Impulsive (100 per minute or less)	.006	.060
Less than 8 pulses per 24 hours	.015	.150

535.3 Glare

All sources of glare (direct or reflected artificial light) from any premises (other than in connection with motor vehicles) must not cause illumination in excess of 0.5 foot-candles above background measured at the district boundary of any residential district or at the lot line within any residential district.

535.3.1 Method of measurement and meaning of terms: Glare shall be measured by means of a photometer or foot-candle meter whose calibration is traceable to the National Bureau of Standards.

"Foot-candle" as a unit of illumination is the illumination at all points one foot distant from a uniform point source of one candle power.

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535.4 Relation to Controls by the Commonwealth of Virginia

535.4.1 Air pollution: Rules of the State Air Pollution Control Board shall apply within Loudoun County. Such rules and regulations include coverage of: emission of smoke and other visible emissions from stationary sources; particulate matter; odor; particulate emission from indirect heating furnaces; open burning; incinerators; and gaseous pollutants.

535.4.2 Water pollution: Rules of the State Water Control Board shall apply within Loudoun County.

535.4.3 Performance Standards (Added March 5, 1984; see page 38)

540 Proffered Condition Regulations - Added June 21, 1982

The Board of Supervisors of Loudoun County by the enactment of this Section 540 hereby adopts the powers and authority conferred by the General Assembly by Sections 15.1-491 (a), 491.3, 491.4, 491.5 of the Code of Virginia, as amended, as these sections apply to proffered conditions. Proffered conditions previously accepted by the Board of Supervisors shall be administered and enforced pursuant to the terms of this section. Proffered conditions accepted after the enactment of this section shall be subject to the following procedures and regulations.

540.1 Proffered conditions shall include written statements, development plans, profiles, elevations, and/or other demonstrative materials proffered in accordance with the provisions of this ordinance and approved by the Board of Supervisors in conjunction with the approval of as amendment to the Zoning Map.

540.2 Proffered conditions shall be submitted in writing in advance of the public hearing before the Board of Supervisors.

540.3 Proffered conditions shall be signed and notarized by all the owners of the property as well as the applicant.

540.4 Proffered conditions shall contain a statement that all the owners have signed the proffered conditions.

540.5 Proffered conditions shall contain a statement that the owners voluntarily enter into the conditions contained therein.

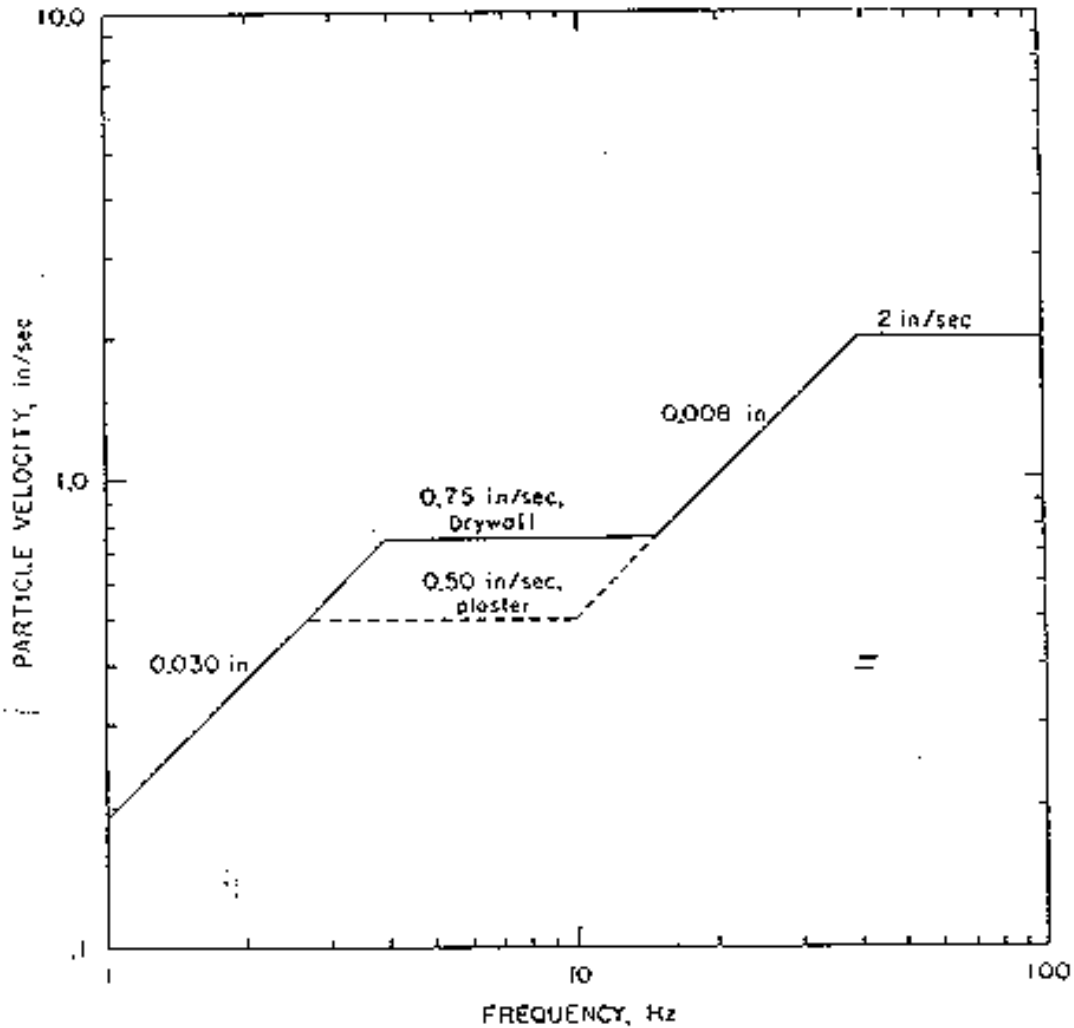
540.6 If the amendment to the Zoning Map is adopted subject to the conditions proffered by the owners as set forth above, then the property in question shall be appropriately annotated on the Zoning Map and all other land records referencing the conditions as adopted.

ZONING ORDINANCE AMENDMENT

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Section 535.4.3, Performance Standards

1. Blasting vibration shall be limited to a peak particle velocity* for a corresponding frequency level, as shown in the chart below.



2. Earth vibration produced from sources other than blasting shall not exceed a maximum resultant peak particle velocity of .03 inches per second.

*Peak particle velocities shall be recorded in three mutually perpendicular directions. The maximum peak particle velocity shall be the largest of any of the three measurements.

3. The peak over pressure (noise) from any blast shall be limited to 129 dB, as measured at 5 or 6 Hz high pass system.
4. Airborne noise produced from extractive operations other than blasting shall not exceed the following limit, as measured at the lot line of the extractive industry: 80dBA maximum, continuous noise.
5. For noise and vibrations induced by blasting, measurement shall be taken at the nearest offsite occupied building, measured in a straight line distance from the point of the blast.
6. For noise and vibrations induced by sources other than blasting, measurement shall be taken at the property line of the extractive industry.

In addition, the Board of Zoning Appeals, as a condition of a Special Exception, may further limit vibration and noise levels where, in its opinion, the density, surrounding land use, or proximity of population in the area warrants additional protection.

Approved by the Loudoun County Board of Supervisors on March 5, 1984.

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- 540.7 Such proffered conditions shall become a part of the zoning regulations applicable to the property in question, unless subsequently changed by an amendment to the Zoning Map, and such conditions shall be in addition to the specific regulations set forth in this ordinance for the zoning district in question.
- 540.8 Upon approval, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformity with all proffered conditions and no development shall be approved by any County official in the absence of said substantial conformity.
- 540.9 For the purpose of this Section, substantial conformity shall mean that conformity which leaves a reasonable margin for adjustment due to final design data but conforms with the general nature of the development, the specific uses, and the general layout depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.
- 540.10 Once proffered conditions have been approved, and there is cause for or request for an amendment which would not be in substantial conformity with the proffered conditions, or there is a request to proffer conditions on a parcel not currently the subject of a proffered condition, then an application shall be filed for an amendment. If the amendment concerns an approved concept development plan, such application shall include the submission requirements for a concept development plan, except the Zoning Administrator may waive any submission requirement if such requirement is not necessary for an adequate review of the development concept plan amendment application. Such amendment shall be the subject of a public hearing.
- 540.11 The Zoning Administrator shall be vested with all necessary authority on behalf of the Board to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any non-compliance with a proffered condition and the ability to bring legal action to insure compliance including injunction, abatement, or other appropriate action or proceedings.

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- 540.12 The Zoning Administrator, or his agent, may require a guarantee, satisfactory to the Board, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the proffered conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee may be reduced or released by the Board, upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part. Said guarantee shall be required no later than final site plan or subdivision approval.
- 540.13 Failure to meet or comply with any proffered condition shall be sufficient cause to deny the issuance of any permits, Grading Permits, Zoning Permits, Building Permits, Residential, and Non-Residential Use Permits and Certificates of Occupancy as may be deemed appropriate by the Zoning Administrator.
- 540.14 Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition or the regulations contained in this section or the denial of any permit may appeal such decision to the Board of Supervisors. Such appeal shall be filed within thirty (30) days from the date of the decision appealed by filing a notice of appeal with the Zoning Administrator. Such notice shall be a written statement specifying in full the grounds on which aggrieved and the basis for the appeal.
- 540.15 Upon receipt of the appeal notice, the Board of Supervisors shall take such testimony as it deems appropriate and render its decision in writing within sixty(60) days after receipt of the appeal notice. The Board of Supervisors may reverse or affirm wholly or partly or may modify the decision of the Zoning Administrator brought upon appeal.

Section 545. Determination of density or intensity of land use within highway transportation improvement districts. (Amended 6/20/88)

In those zoning districts, including planned development districts, where density or intensity of land use is controlled by number of dwelling units or floor area ratio, or other similar measure, such computations with respect to a lot from which land has been severed for the purpose of constructing or improving any primary highway interchange or portion thereof, shall be based upon the lot area including the area severed for such purpose when:

- A. The lot lies within or adjacent to an established Highway Transportation Improvement District; and
- B. The area dedicated or conveyed is necessary for the installation or improvement of the primary highway interchange improvement and is in accordance with the adopted comprehensive plan; and
- C. The Board has specifically approved by resolution computation of density or intensity for the lot based upon the lot area existing prior to dedication or conveyance; and
- D. An effective irrevocable dedication in fee simple to public use or conveyance to Loudoun County or to another public instrumentality having the power to construct or maintain the highway use has occurred and evidence of such dedication or conveyance is of record among the land records of the County.

Calculations of allowable floor area shall be based on the floor area ratio as established by the Zoning District in effect at the time a site plan is filed for the lot.

For the purposes of this section, the terms "lot" and "lot area" may include all adjacent parcels owned in common and which are the subject of an approved unified concept development plan specifying the allocation of density calculated pursuant to this section; the term "interchange" shall mean a grade separated limited access intersection with one or more turning roadways for travel between portions of such intersection, and shall include all related improvements such as access or service roads precipitated by the interchange; and the term "area dedicated" shall include all property in excess of the right-of-way for a normal width typical highway section.

In no case shall conveyances or dedications made in exchange for monetary compensation to a public instrumentality be eligible for density computation under this section.

Further, conveyances or dedications made or committed to by the landowners or predecessors in interest as part of an approved condition of a subdivision application, special exception application, or a zoning map amendment petition shall not be considered eligible for density computation under this section provided that an effective irrevocable dedication or conveyance made during the pendency of an application shall not decrease the lot area for purposes of density or intensity computation.

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550 SITE PLAN PROCEDURES

550.1 Applicability of Site Plan Regulations

Any developer of any tract of land in the County shall submit a site plan for the following uses, as established by the Loudoun County Zoning Ordinance:

- A. All uses in the commercial districts.
- B. All uses in the industrial districts.
- C. All uses in the flood hazard districts
- D. All permitted uses in the residential districts, except for agricultural structures and single-family detached dwellings.
- E. Those special exception uses and structures which require a site plan.
- F. Any development in which any required off-street parking space is to be used by more than one establishment.
- G. When an alteration is proposed to the site improvements or design of a previously approved site development plan.
- H. When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- I. All public buildings and institutions.
- J. All other uses involving a building required to be reviewed by the Planning Commission under Section 15-1.456 of the Code of Virginia, as amended.
- K. All developments using onsite sewage treatment and disposal systems, as specified in Chapter 1066 of the Codified Ordinances.

550.2 Submission, Review, and Approval of Site Plans

The requirements for submission, review, and approval of all site plans shall be done in accordance with the specifications of the Land Subdivision and Development Ordinance.

Section 550 adopted by the Loudoun County Board of Supervisors 11/19/84; effective 12/1/84.

ARTICLE 6 -- SUPPLEMENTARY REGULATIONS

The following regulations are supplementary regulations for districts in Article 4, Schedule of District Regulations, and are in addition to requirements set forth in both Article 5, General Regulations, and Article 7, Special Districts, and other applicable requirements of this ordinance.

601 SUPPLEMENTARY REGULATIONS: AGRICULTURAL RESIDENTIAL DISTRICTS

601.1 General Requirements

601.1.1 Agricultural, horticultural and forestry uses defined: For the purposes of this ordinance, agriculture, horticulture and forestry shall be defined as:

The development, operation and maintenance of equipment, structures, and practices, the primary purpose of which is to produce, raise, nurture or develop the following, for commercial or home use purposes, or for animal increase or value increase:

Field crops
Livestock, except as limited below in 601.2
Dairying operation
Agricultural services
Animal husbandry services
Horticultural services
Hunting, trapping and game propagation as limited below in 601.3 - 601.6
Timber Tracts
Forestry Services

601.2 Characteristics of Uses

Notwithstanding the above, only those agriculture, horticulture and forestry uses shall be permitted which are not noxious, offensive, or dangerous be cause of noise, odor, or emission of harmful effluent.

601.2.1 Confinement operations consist of livestock raising and production where animals are confined in farm structures and/or enclosures exclusively, or where grazing does not constitute a major feed source. Farm enclosures shall be constructed as pens, stockades, feedlots, loafing areas, and the like as opposed to fenced pasture.

601.3 Critical Relationships

The following factors are determined as having critical relationship to noxious, offensive and dangerous effects of agricultural practices. These relationships are especially critical with respect to confinement operations:

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- Soil characteristics
- Topography
- Drainage patterns
- Proximity to water courses and ground water recharge areas

601.4 Alleviating Practices

The following practices are recognized as methods of alleviating existing and potentially noxious, offensive and dangerous agricultural practices:

- Ditching and terracing
- Burial
- Storage and storage structures
- Removal of waste products
- Lagoons
- Chemical treatment

601.5 Distance Requirements

If the foregoing factors and practices are found by the Zoning Administrator, upon informational re-ferral to agencies cited in Section 601.6, to minimize the potentially dangerous, noxious or offensive effects of proposed uses or practices, then areas for animal confinement, manure storage, or storage of ensilage, hereinafter established shall be permitted subject to the following limitations:

601.5.1 Distance from Class I or Class II road: Areas of animal confinement, manure storage or feed storage shall be a minimum distance of 35 feet from a Class I or Class II road, but in no case closer than 235 feet to a residential structure on adjoining parcels, (including those across the road)

601.5.2 Distance from residential structures, district boundaries side and rear property line: Areas of animal confinement, manure storage or feed storage shall be a minimum distance of 235 feet from residential structures on adjoining property (including property across the road); 235 feet from property line which forms a boundary with a higher density residential area, except between A10 and A3; and 35 feet from any side or rear property line.

601.6 Referrals

Agencies for informational referrals shall be the following, as appropriate:

- Soil Conservation Service
- County Agricultural Extension Service
- Office of the Loudoun County Soil Scientist Loudoun County Health Department
- Virginia State Water Control Board
- Director, Loudoun County Dept. of Planning & Zoning

601.6.a Bed and breakfast home stay establishments are subject to those standards contained in Section 602.1.3. (Adopted July 21, 1986)

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601.7 Permissible Special Exception Uses

601.7.1 Hospitals. Subject to those standards contained in Section 607.2.6 (amend[ed]ed by BOS 10/7/85).

601.7.2 Country Inns: (Adopted by BOS 9/15/86)

1. The establishment shall be located on a State maintained road with direct access to the State maintained road. Direct access shall mean an entrance located on the same property as the Country Inn.
2. The driveway entrance onto the State maintained road shall meet VDH&T standards.
3. One off street parking space shall be provided for each guest room.

Further, the parking area shall be 50 feet from any adjacent residentially zoned property, or shall be adequately screened.
4. Applicable requirements of the Health Department, the Fire Marshal's Office, the Uniform Statewide Building Code and the Code of Virginia shall be met.
5. No restaurant shall be permitted. Food service to overnight guests shall be limited to breakfast only.
6. The establishment shall be owner/manager occupied and managed.
7. There shall be no disruption of neighboring agricultural activities which are recognized in the Rural Land Management Plan as the preferred use in the Agricultural Conservation Areas and in the Virginia Right to Farm Act, Title 3.1, Chapter 4.5 of the Code of Virginia.
8. Accessory commercial activities such as weddings, graduation and similar parties are allowed only if included as part of the Special Exception application.

601.7.3 Cluster Residential Development of 20 or more acres may be permitted in the A-3 District by special exception of the Board of Supervisors upon recommendation of the Planning Commission subject to the following standards and criteria:

1. Location: Cluster developments must be located in areas designated in the Comprehensive Plan for provision of central public sewer and water service. A commission permit under Section 905 of this ordinance is required in conjunction with the special exception for extension of public utilities not shown as a feature on the adopted Comprehensive Plan. Such extension must be substantial in accord with the Comprehensive Plan. The provision for cluster development in the A-3 District is for the purpose of allowing the creation of open space greenbelts at the edges of urban areas adjacent to incorporated towns or other designated urban growth areas. It is not for the purpose of permitting or encouraging the use of small, independent "package" treatment plants in the rural Agricultural Conservation Areas, or Rural Fringe Areas as designated in the Comprehensive Plan.
2. Minimum Lot Area: 1.5 acres
3. Minimum Lot Width:
 - Fronting Class I Roads: 250 feet
 - Fronting Class II Roads: 150 feet
4. Length/Width Ratio: For lots hereafter created, length shall not exceed 3.5 times width
5. Common Open Space: Shall be provided and appropriately located with respect to permitted uses in a sufficient amount such that a total density of one lot for each 3 acres shall be maintained. Common open space shall be permanently reserved as open space by a means acceptable to the Board of Supervisors.

601.8 SMALL BUSINESSES IN A-3 AND A-10 DISTRICTS (As amended by the Board of Supervisors on October 3, 1988)

601.8.1 PURPOSE AND INTENT

The purpose of this section is to allow rural residents in the A-3 and A-10 zoning districts to locate and operate small scale service and contracting businesses which primarily serve neighboring rural residents and farms. It is the general intent of this ordinance that commercial uses locate in and around existing urban areas which have adequate roads, public facilities and utilities. However, some small businesses need to locate within their rural service area in order to provide economical and convenient services to rural residents. Some small businesses can operate in the rural areas with special designs and conditions that mitigate impacts on neighboring rural residential properties.

The intent of this ordinance is to allow local, small scale businesses located and operated at the owner's principal place of residence. It is not intended to permit franchises, branch facilities or other partial elements of larger enterprises which have other business facilities in other locations, nor is it intended to allow the establishment of businesses which serve more than a local, rural market. Such larger scale enterprises, including expanding businesses which initially located in rural areas under the provisions of this section, must locate in the county's industrial and commercial zoning districts where they will not adversely impact residential neighborhoods or agricultural activities. The uses approved under the provisions of this section are to be temporary and the Board of Supervisors may impose appropriate conditions limiting the duration or transfer of special exceptions granted under the provisions of this ordinance.

601.8.2 DEFINITIONS

For the purposes of Section 601.8, the following terms have the meaning herein ascribed to them:

1. Accessory building. A building used for a small business and consistent with the definition of "accessory building" in Article 10.
2. Business vehicles. Vans, pick-up trucks, automobiles and similar vehicles associated with a small business. Business vehicles may not exceed a rated capacity of one and one half tons and may not have more than two axles.
3. Employees. Persons, other than the members of the household permanently residing on the premises, who are engaged onsite in the operation of the small business on a regular or occasional basis.

4. Heavy equipment. Bulldozers, dumptrucks and similar pieces of large equipment either used or stored on site as part of a small business. The term includes any vehicle associated with the small business not included within the definition of "business vehicle." A trailer used for transporting heavy equipment is considered accessory to the equipment.
5. Small business. A use included in Appendix 1, subject to the restrictions and standards established by this ordinance. The business or service shall be accessory and subordinate to a permitted principal residential use. All restrictions included in the definition of "home occupation" in Article 10 shall apply to the extent not inconsistent with the provisions of this section.
6. Storage yard. An outdoor space accessory to the permitted use, enclosed on all sides by a solid fence, and used for the purpose of storing equipment, vehicles, construction materials and similar items necessary to the permitted business.

601.8.3 PERMITTED SMALL BUSINESSES

Small businesses are permitted in A-3 and A-10 districts, subject to the following additional requirements. These uses are not allowed in any other residential districts. Unless otherwise specified, no retail uses are permitted.

1. Employees. No small businesses permitted by right shall have any employees other than members of the household permanently residing on the premises.
2. Business vehicles. No more than three (3) business vehicles shall be operated from the site or stored on the site.
3. Accessory buildings. Small businesses shall be located in the principal residence, and no accessory buildings shall be constructed or utilized for such uses.
4. Storage yards. No storage yards shall be permitted for the uses allowed under this section: All business equipment and supplies associated with the business must be stored in the residential building.
5. Heavy equipment. No heavy equipment shall be stored or operated on site as part of the small business; provided, any heavy equipment used principally for agricultural uses onsite may be used offsite for any of the accessory uses in Appendix I.
6. Lot size. No small business shall be located on a lot of less than three (3) acres in size.

601.8.4 SMALL BUSINESSES PERMISSIBLE BY SPECIAL EXCEPTION GRANTED BY THE BOARD OF SUPERVISORS

Small businesses not permitted under the provisions of Sections 601.8.3 may be allowed by special exception granted by the Board of Supervisors upon recommendation of the Planning Commission, subject to the following standards and restrictions:

1. Employees. The small business may have no more than two (2) employees not including members of the household permanently residing on the premises.
2. Business vehicles. No more than three (3) business vehicles shall be operated from the site or stored on the site.
3. Accessory buildings. For any tract of less than fifty (50) acres, the total floor area used for a small business in accessory buildings shall not exceed 1,500 square feet, and no accessory buildings shall exceed thirty five (35) feet in height.

For any tract of at least fifty (50) acres, accessory structures in excess of 1,500 square feet may be utilized fully for the small business. In no case shall the floor area used for a small business in accessory buildings exceed 3,000 square feet or the height of accessory buildings exceed 45 feet, and the Board of Supervisors may establish lower limits as conditions of the special exception. Provided, however, the Board granting a special exception for a small business use may modify these building size requirements if it finds that the proposal of the applicant satisfies the public purposes of the size requirement to an equivalent degree. The landowner must provide evidence satisfactory to the Board of Supervisors that the minimum lot size of fifty (50) acres will be maintained as long as the small business is in existence, and as long as the accessory building remains.

4. Storage yards. Storage yards not exceeding 1,500 square feet in area may be permitted. Storage yards shall be screened with year-round visual screening at least eight (8) feet high, arrangement of yards and buildings is designed and constructed so as to create no substantial visual disruptions that could be viewed from adjacent properties or from any state road right-of-way, in the determination of the Board of Supervisors. All business equipment and supplies associated with the business use must be stored in a building or storage yard.
5. Heavy equipment. For any tract of less than fifty (50) acres, no heavy equipment shall be stored or operated on site as part of the small business; provided, any heavy equipment used principally for agricultural uses onsite may be used offsite for any of the accessory uses in Appendix I.

For any tract of at least fifty (50) acres, two (2) pieces of heavy equipment associated with the small business may be allowed by the Board of Supervisors. Such equipment must be stored in a storage yard and/or accessory building not exceeding the size restrictions established by this ordinance. The site must have access on a paved, state maintained road with adequate sight distance where heavy equipment would enter or exit the site. If the special exception is granted, the Board may impose reasonable conditions including limitations on operating hours. An applicant for a special exception must describe in detail the type, quantity and location of the proposed equipment to be stored on site. The landowner must provide evidence satisfactory to the Board of Supervisors that the minimum lot size of fifty (50) acres will be maintained as long as the small business is in existence, and as long as the accessory building remains.

6. Lot size. Lots shall be a minimum of ten (10) acres in size.

Special exception applications made pursuant to this section are subject to the procedures, standards and criteria established in Article 12.

601.8.5 MINIMUM SETBACK REQUIREMENTS

All storage yards and accessory structures of less than 1,500 square feet for uses allowed under this section shall be set back at least one hundred (100) feet from all lot lines. All accessory buildings or storage yards in excess of 1,500 square feet must be set back at least three hundred (300) feet from all lot lines. All accessory buildings or storage yards used for the storage of heavy equipment must be set back at least three hundred (300) feet from all lot lines and five hundred (500) feet from existing residential dwellings. Provided, however, the Board granting a special exception for a small business use may modify these setback requirements if it finds that the proposal of the applicant satisfies the public purposes of the setback requirement to an equivalent degree.

601.8.6 SIGNS

All signs are subject to the regulations established in Section 523.

601.8.7 SITE PLANS

A site plan in conformance with the requirements of the Land Subdivision and Development Ordinance is required only for small businesses approved by special exception pursuant to Section 601.8.4.3 and 601.8.4.4.

601.8.8 A-3 AND A-10 DISTRICT REGULATIONS

The A-3 or A-10 district regulations, and the general regulations, not inconsistent with these provisions shall apply to small businesses located in those districts.

To the extent permitted by other provisions of the Loudoun County Zoning Ordinance, any use accessory and subordinate to a principal agricultural use shall not be affected by Section 601.8. In addition nothing herein shall affect any legal nonconforming use as provided for in Article 8.

SECTION 601.8 - APPENDIX I

SMALL BUSINESS USES

BUSINESS SERVICE OCCUPATIONS:

- Artist representatives
- Auto damage appraisal services
- Bid or building reporting services
- Blacksmith or wheelwright shops
- Drafting services
- Job printing shops, printing shops or duplicating processes
- Letter writing
- Livery stables
- Private detectives
- Promotional agents or agencies
- Riding schools
- Sign painting, window lettering or vehicle lettering
- Swimming pool maintenance and management
- Tree surgery, trimming or removal
- Welding

PERSONAL SERVICE OCCUPATIONS:

- Addressing letters or envelopes
- Auctioneering
- Babysitting and child care service
- Cleaning window[n]s, shades, chimneys or furnaces
- Dance, music, ceramic, art, or sewing instruction or tutoring
- Day nursery (other than foster homes)
- Furnishing house cleaning services
- Interior decorating
- Lawn development and maintenance
- Massage practitioners
- Masseurs
- Photographer
- Piano tuning
- Picture framing or gilding
- Secretarial service
- Taxidermists
- Telephone answering service

CONTRACTORS AND CONTRACTING:

- Air conditioning
- Brick contracting, stone and other masonry
- Carpenters
- Electrical
- Floor scraping or finishing
- Foundations
- Other contractors and contracting
- Paint and paper decorating
- Plastering
- Plumbing, heating, steam fitting or gas fitting
- Roofing
- Sewer drilling and well digging
- Tile, glass, flooring and floor covering

REPAIR SERVICE OCCUPATIONS:

- Bicycle repair
- Business and office machine repairs
- Furniture and upholstery repair
- Gunsmith and gun repairing
- Lawnmowers
- Locksmith and lock repairing
- Saw and tool repair
- Umbrella, harness and leather goods repair
- Watch and clock repair

PROFESSIONAL (OFFICE-BASED) SERVICES ARE PERMITTED

NO RETAIL OR WHOLESALE COMMERCIAL BUSINESSES ARE PERMITTED

601.9.1 LOW DENSITY 25 ACRE DEVELOPMENT OPTION

Low Density Development on lots of various sizes at a density of one unit per 25 acres may be permitted in the A-3 and A-10 Districts by subdivision waiver in accordance with Section 1243.04.2 of the Land Subdivision and Development Ordinance. Such Low Density Developments shall be subject to the following standards and criteria:

1. Location and Purpose: Low Density Developments shall only be located in A-3 and A-10 Zoning Districts. The purpose and function of Low Density Developments shall be to allow agriculture, horticulture and forest land to be subdivided at a density which is consistent with the adopted agricultural conservation goals and which encourages a diverse, high value, high intensity, market oriented agricultural economy; protects groundwater and other natural resources; minimizes the impacts of rural development public infrastructure; reduces traffic congestion on rural roads; minimizes land use conflicts in rural areas; and to provide incentives for Low Density Development in rural areas.

2. Permitted Uses:

- a. On lots of at least 5 acres, but less than 30 acres, one principal dwelling unit and one accessory dwelling unit not to exceed 600 square feet shall be permitted. On lots of 30 or more acres, one principal dwelling unit and one tenant house shall be permitted.
- b. An additional tenant house shall be permitted for each additional 50 acres in a lot, provided there is 5 acres outside of floodplain for each tenant house and the principal unit
- c. Other uses as permitted by the A-3 and A-10 district regulations which do not conflict with the provisions of this ordinance, Section 601.9.1

3. Minimum Tract Size: A tract must contain a minimum of 50 contiguous acres, which may include floodplain as defined in Section 7403 of this Zoning Ordinance to be eligible for the Low Density Development option. A tract may be composed of one or more parcels or portions thereof. Conservation easement requirements shall apply only to the portions of the parcel for which the low density development is sought so long as the remaining portion meets the minimum zoning and subdivision requirements.

4. Minimum Lot Area: The minimum lot size shall be 10 acres which shall not include floodplain as defined in Section 740.3 of this Zoning Ordinance except as provided below. However, lots of less than 10 acres, but of at least 5 acres will be permitted provided that such lots do not include floodplain as defined in Section 740.3 and provided that a hydrogeologic study is performed or an approved well site is located for each lot in accordance with Section 6.000 of the Facilities Standards Manual. Hydrogeologic studies will not be required for any lot over 10 acres. Lots of less than 5 acres will not be permitted. Lots of 30 acres or more must include at least 10 acres of non floodplain land.

5. Density: A density of one lot per 25 acres shall be maintained for each tract. However, in accordance with Section 740.12 of the Loudoun County Zoning Ordinance, any floodplain associated with a stream draining 640 acres or more shall be excluded for the purposes of overall density calculations and for purposes of minimum lot size calculations. All lots and any residual land used toward the 25 acre density calculation will be placed under permanent open space easement to preclude further subdivision.

6. Yard Requirements:

a. All structures shall be set at least 200' from the edge of the right way of a State maintained road.

b. Minimum Yard Requirements:

Front Yard - 35 feet
Side Yard - 35 feet
Rear Yard - 35 feet

7. Length/With Ratio: For lots hereafter created, length shall not exceed seven (7) times width.

8. Minimum Lot Width:

Fronting Class I, II, III Roads - As for A-3 or A-10
Fronting Private Access Easements - 175 feet

9. Utilities: No subdivision shall be approved by the Director of Planning where onsite sewage disposal systems are to be used until written approval has been secured from the Health Director. Such approved systems shall be shown to scale on the record plat. The Health Director, or his designee, shall review and approve or deny the applicant's proposal for onsite sewage disposal and shall advise the Planning Director of its findings.

Hydrogeologic studies as required in 601.9.1.4 Minimum Lot Area, shall be the responsibility of the subdivider in accord with Section 6.200 of the Facilities Standards Manual. Any proposed lots which do not meet Health Department requirements may be approved with the following note to be put on the plat:

"NOTE: This lot is not considered to be approved as a building lot as it is unsuitable for the installation of an onsite sewage disposal facility under the current standards of the Loudoun County Health Department."

10. Road Requirements:

a. Low density rural residential lots developed under the 25 acre development option may access Class I State maintained roads provided that a minimum distance of 800' is maintained between individual driveways.

- b. Low density rural residential lots developed under the 25 acre development option may be accessed by private access easements with a 39' right way and a 16' travelway provided that such private access easements do not exceed one mile in length, serve no more than 7 lots and provided that the cul-de-sac terminates with a turnaround sufficient for emergency vehicles.
- c. "Loop" private access easements are permitted which provide two connections to a Class I State maintained road to serve no more than 14 lots provided that a minimum distance of 800' feet is maintained between entrances on Class I roads.
- d. Additional requirements include: construction of a paved driveway apron, extending 50' in depth from a state road, where a gravel private access easement abuts a paved road: the preparation of a road owners agreement for review and approval by the County, and dedication of right-of-way where a property abuts an existing State maintained road.
- e. Where a subdivision created pursuant to this Section abuts an existing state road, right of way shall be dedicated in conformance with the criteria of the County and VDOT, as provided in the Facilities Standards Manual, Section 4.1000 A, as amended, subject to any restrictions of record.

(BOS adopted 10/17/89)

601.9.2 Low Density 50 Acre Development Option

Low Density Development on lots of various sizes at a density of one unit per 50 acres may be permitted in the A-3 and A-10 Districts by subdivision waiver in accordance with Section 1243.04.2 of the Land Subdivision and Development Ordinance. Such Low Density Developments shall be subject to the following standards and criteria:

1. Location and Purpose: Low Density Developments shall only be located in A-3 and A-10 Zoning Districts. The purpose and function of Low Density Developments shall be to allow agriculture, horticulture and forest land to be subdivided at a density which is consistent with the adopted agricultural conservation goals and which encourages a diverse, high value, high intensity, market-oriented agricultural economy; protects groundwater and other natural resources; minimizes the impacts of rural development on public infrastructure; reduces traffic congestion on rural roads, minimizes land use conflicts in rural areas; and to provide incentives for Low Density Development in rural areas.
2. Permitted Uses:
 - a. On lots of at least 5 acres, but less than 30 acres, one principal dwelling unit and one accessory dwelling unit not to exceed 600 square feet shall be permitted. On lots of 30 or more acres, one principal dwelling unit and one tenant house shall be permitted.
 - b. An additional tenant house shall be permitted for each additional 50 acres in a lot, provided there is 5 acres outside of floodplain for each tenant house and the principal unit.
 - c. Other uses as permitted by the A-3 and A-10 district regulations which do not conflict with the provisions of this ordinance Section 601.9.2.
3. Minimum Tract Size: A tract must contain a minimum of 50 contiguous acres, which may include floodplain as defined in Section 740.3, of this Zoning Ordinance to be eligible for the Low Density development option. A tract may be composed of one or more parcels or portions thereof. Conservation easement requirements shall apply only to the portions of the parcel for which the low density development is sought so long as the remaining portion meets the minimum zoning and subdivision requirements.

4. Minimum Lot Area: The minimum lot area shall be five (5) acres; provided, however, a density of one lot 50 acres shall be maintained for the entire tract.

For lots under thirty (30) acres in size, at least (5) five acres must be located outside the floodplain. For lots thirty (30) acres or greater in size, at least ten (10) acres must be located outside the floodplain. Floodplain is defined by reference to Section 740.3.

For any lots less than ten (10) acres in size, a hydrogeologic study must be submitted and well sites approved in accordance with Section 6.000 of the Facilities Standards Manual.

5. Density: A density of one lot per 50 acres shall be maintained for each tract. However, in accordance with Section 740.12 of the Loudoun County Zoning Ordinance, any floodplain associated with a stream draining 640 acres or more shall be excluded for the purposes of overall density calculations and for purposes of minimum lot size calculations. All lots and any residual land used toward the 50 acre density calculation will be placed under permanent open space easement to preclude further subdivision.

6. Yard Requirements:

- a. All structures shall be set at least 200' from the edge of the right-of-way of a State maintained road.

b. Minimum yard Requirements:

Front Yard	- 35 feet
Side Yard	- 35 feet
Rear Yard	- 35 feet

7. Length/Width Ratio: For lots hereafter created, length shall not exceed seven (7) times width.

8. Minimum Lot Width:

Fronting Class I, II, III Road - As for A-3 or A-10
Fronting Private Access Easement - 175 feet

9. Utilities: No subdivision shall be approved by the Director of Planning where onsite sewage disposal systems are to be used until written approval has been secured from the Health Director. Such approved systems shall be shown to scale on the record plat. The Health Director, or his designee, shall review and approve or deny the applicant's proposal for onsite sewage disposal and shall advise the Planning Director of its findings. Hydrogeologic studies as required in 601.9.2.4 - Minimum Lot Area, shall be the responsibility of the subdivider with Section 6.200 of the Facilities Standards Manual. Any proposed lots which do not meet Health Department requirements may be approved with the following note to be out on the plat:

"NOTE: Thus lot is not considered to be approved as a building lot as it is unsuitable for the installation of an onsite sewage disposal facility under the current standards of the Loudoun County Health Department."

10. Road Requirements:

- a. Low density rural residential lots developed under the 50 acre development option may access Class I State maintained roads provided that a minimum distance of 800' is maintained between individual driveways.
- b. Low density rural residential lots developed under the acre development option may be accessed by private access easements with a 39' right-of-way and a 16' travelway provided that such private access easements serve no more than 7 lots and provided that the cul-de-sac terminates with a turnaround sufficient for emergency vehicles.

- c. "Loop" private access easements are permitted which provide two connections to a Class I State maintained road to serve no more than 14 lots provided that a minimum distance of 800' feet is maintained between entrances on Class I roads.
- d. Additional requirements include: construction of a paved driveway apron, extending 50' in depth from a state road where a gravel private access easement abuts a paved road: the preparation of a roadowner's agreement for review and approval by the County, and dedication of right-of-way where a property abuts an existing State maintained road.
- e. Where a subdivision created pursuant to this Section abuts an existing state road, right of way shall be dedicated in conformance with the criteria of the County and VDOT, as provided in the Facilities Standards Manual Section 4.100 A, as amended, subject to any restrictions of record.

(BOS adopted 10/17/89)

602 SUPPLEMENTARY REGULATIONS: SINGLE FAMILY RESIDENTIAL DISTRICTS602.1 Permitted Principal Uses and Structures602.1.1 Circuses, carnivals, fairs and other similar temporary activity.

Proposed sites for such activities shall have direct access to a major street or highway, be of a size and shape appropriate for the proposed use, and be dimensioned or located in such a way as to provide spatial or other buffering to protect adjacent development from potentially adverse effects. The plan shall provide for safe and convenient parking, circulation, and ingress/egress to adjacent streets and highways.

602.1.2 Hardship lot in A-3 agricultural-residential and A-10 agricultural conservation district. In cases where a one acre minimum lot requirement would avoid hardship or otherwise be meritorious, the Board of Supervisors will entertain specific applications to change the three acre minimum lot or ten acre minimum lot requirement to a one acre minimum lot requirement with width, length/width ratio, and yard requirements as for R-1 districts and will act on such applications in conformity with the provisions of Sections 1202 through 1206 hereof; provided however that the Zoning Administrator shall require such greater area or other additional requirements dictated by the County Health Department; and provided further that in any case where a Commission Permit, or Special Exception is required by the provisions of this ordinance, the lot area shall conform to the area stipulated in such authorization.

602.1.3 Bed and breakfast home stay establishments within R-1 Districts Countywide and R-2 districts located in a County designated Historic Cultural and Conservation District or Historic Site District, are subject to the following criteria: (Adopted July 21, 1986)

a. Locational Criteria:

Located on a State-maintained road with dirt access to the State-maintained road. Direct access shall mean an entrance located on the same property as the bed and breakfast establishment.

b. Use Criteria:

- 1) No restaurant shall be permitted. Food service shall be limited to breakfast and to resident guests only.
- 2) The establishment shall be owner occupied and managed.

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3) No amplified music, outdoor parties (e.g., wedding anniversaries, birthday parties, graduation parties) or similar activities for commercial purposes shall be permitted.

4) A Home Occupation permit is required.

c. Site Development Criteria:

1) Off-street Parking:

- a) One off-street parking space shall be provided for each guest room.
- b) Parking may be provided off-site in a public lot or with certification of permission of off-site owner. Such parking to be located a convenient distance from the bed and breakfast.
- c) The parking area shall not be located within the setbacks of the required yards.
- d) In the A-3 and A-10 zoning districts the parking area shall be located at least 50 feet from any adjacent, residentially zoned property boundary or shall be adequately screened.

2) All requirements of the Health Department, the Fire Marshal's Office, the Uniform Statewide Building Code and the Code of Virginia shall be met if required.

602.2 Permitted Accessory Uses and Structures

602.2.1 Wayside stands. Structures for wayside stands shall not exceed 400 square feet in floor area nor be closer than 35 feet to the front property line or side property line adjoining a street. Entrances and exits to roads shall be clearly delineated. Entrances and exits shall be so located as to provide safe ingress and egress from roads and shall be channeled to prevent untrammelled ingress and egress to the premises.

602.2.2 Use of common open space in cluster developments. In addition to the requirements of Article 4 of this ordinance, other requirements of this ordinance, and applicable requirements of the Subdivision Ordinance, the following shall apply:

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All areas or spaces within a cluster development which are open space and are owned in undivided interest by property owners of the cluster development or their legal assigns, shall not be developed or used except for:

Agriculture, forestry and fisheries
Game preserves, wildlife sanctuaries, and the like
Non-commercial recreational structures and uses, primarily for the use of residents of the cluster development, provided however, that limitations on use by residents shall not apply in cases where ownership or rights in land are assigned in accordance with approving action of the Board of Supervisors
Streets and off street parking areas.

602.3 Permissible Special Exception Uses and Structures

602.3.1 Commercial stable. Requirements specifically in relation to a development of a commercial stable shall be in accordance with Section 601.

602.3.2 Kennel, veterinary services, animal hospital. Except where animals are kept in sound-proof, air conditioned buildings, no structures or area occupied by such animals shall be within 500 feet of the property line of any adjacent lot. Where a dwelling on an adjacent lot is within 200 feet of a kennel there shall be erected a solid fence or other sound baffling/deadening structure within 50 feet of the kennel and between the kennel and the adjacent dwelling.

602.3.3 Guest farms or ranches. Adequate access shall be provided for guest facilities, and animal shelter and storage of feed and waste shall be in accordance with Section 601. All applications for the development and/or operation of guest farms or ranches shall meet applicable requirements of the County Health Department, especially in reference to all water and sanitation facilities. All applicable requirements of the Commonwealth, specifically including Title 35, Code of Virginia, in regard to the provision of transient facilities shall be satisfied.

602.2.4 Cemeteries, crematories, mausoleums. No grave, mausoleum, or other interment site shall be located nearer than 100 feet to a potable water supply source. Fee simple ownership of land used for interment of bodies shall be required. The section of a proposed location set aside for interment shall be free of all financial encumbrances, and after approval of a proposed location it shall be unlawful to encumber any section thereof in which interments have been made, or which is set aside for interments. These provisions shall not apply where the only means of disposal of the dead is by cremation and/or where cremated remains only are stored.

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- 602.3.5 Wayside bus shelters. No such structure shall be larger than 500 square feet in floor area, and no such structure shall be located closer than 15 feet to the traveled way of any Class I or Class II road. Informational signs contained within or located on such shelters shall be in conformance with Section 523 of this ordinance.
- 602.3.6 Churches, parish houses, convents and monasteries. No church, and no convent, monastery or similar institution, shall be constructed on a parcel of land less than two acres in area.
- 602.3.7 Private airport, flight strip, heliport. No flight strip, helipad, hanger or aircraft storage area shall be located nearer than 500 feet to any residential structure or any adjoining property. Within any residential district, commercial activities and private clubs located on the premises, with a private airport, flight strip, or helipad, are expressly prohibited.
- 602.3.8 Day camp, boarding camp. Applicants for such uses shall demonstrate that all applicable regulations of the Department of Health and Commonwealth of Virginia specifically including Title 35, Code of Virginia, have been met.
- 602.3.9 Private club or lodge. No such activity shall be permitted on a parcel of land less than one acre in area.
- 602.3.10 Private school for over 15 pupils. No such activity shall be permitted on a parcel of land less than three acres in size. All applicable Commonwealth of Virginia, (specifically including Title 22 and Title 35, Code of Virginia), and the County Health Department regulations shall be met.
- 602.3.11 Structures and uses required for the operation of a public utility except uses involving extensive storage or storage as a primary purpose. No such activity shall occur unless and until all applicable Federal and Commonwealth of Virginia requirements concerning safety and environmental impact have been met.

Article 6 - Supplementary Regulations

602.3.12 Extraction of natural resources (extractive industries)

602.3.12.1 Definition and intent. For the purposes of this ordinance, extractive industries are defined as commercial or industrial operations involving removal from a site of natural accumulations of sand, rock, soil, gravel. The meaning of extractive industries includes clearly appurtenant structures such as crushers, screeners, washers, but does not include any other industrial use, such as concrete batching or an asphalt mixing plant. It is intended that the public interest be protected by regulations assuring that both present and future results of such removal do not create effects adverse to the public health, safety, comfort or convenience or damaging to the value of surrounding property. It is therefore required that plans be submitted covering both the exploitation phase, in which removal is being conducted, and for leaving the land in a condition suitable for reuse for purposes permitted in the district or in a condition appropriate for open area in the vicinity.
(Amended 9/15/86 by BOS.)

602.3.12.2 Location. Location shall be appropriate to existing development and to development likely to occur during the exploitation phase, upon which a time limit may be set. The site shall be so located with respect to roads as to make it unnecessary to conduct trucking operations through developed residential areas or areas likely to be developed for residences while products are being, removed.

602.3.12.3 Operational requirements. Operations as proposed at the location shall not create unusual traffic hazards or the need for special public improvements or special public maintenance of public streets, bridges, drainage or flood control works or any other facilities, nor need for special protection, repair or maintenance of adjacent private property, provided, however, that the applicant may, by agreement and with sureties in form and amount approved by the County, assume the costs created.

The site shall be of sufficient size and dimensions to accommodate proposed operations in accordance with performance standards set forth in Section 535, with measurements made at site boundaries, provided, however, that upon written agreement by adjoining property owners, the points of measurement may be extended to include their property. In addition to limitations established by performance standards, blasting operations shall be restricted to Mondays through Fridays between 8 a.m. and 5 p.m. Creation of undrained pockets and stagnant pools shall be avoided to the maximum extent reasonably practicable and all such undrained pockets and stagnant pools resulting from surface drainage shall be sprayed in accordance with requirements of the County Health Department to eliminate breeding places for mosquitoes and other insects.

Off-street parking areas adequate for all employees' vehicles and trucks shall be provided.

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602.3.12.4 Plan for development - exploitation phase. The plan for development, exploitation phase, shall show the proposed development as planned and staged, in relation to surrounding property within 300 feet, or such greater distance as may be required by the Planning Commission as appropriate in the particular case, and shall include topographic surveys indicating present conditions (including drainage) and the conditions (including topography, drainage and soils) to be left at the end of the exploitation phase. Contour intervals for topography shall be 5 feet in areas where general slope is greater than 10%, 2 feet in areas where general slope is 10% or less.

The plan for development, exploitation phase, shall demonstrate the feasibility of the operation proposed without hazards or damage to other properties by reason of increased flooding or undesirable rise or reduction in ground water levels, erosion caused by increased rate of flow or redirection of flow in flood channels, deposits of debris from flood or erosion, excessive slopes remaining at cuts or fills, or undermining or creation of settlement in adjoining areas. This plan shall also show important locational aspects of the stages of exploitation, where and how traffic on and from the development will be handled, where equipment will be operating, the location and dimension of structures, the manner in which appropriate safeguards will be provided, including those for preventing access by children and other unauthorized persons to dangerous areas, and the like. The final stage of this plan shall indicate how the project is to be finished in accordance with the plan for re-use.

602.3.12.5 Plan for re-use. The plan for re-use shall show the property, in its entirety, returned to a state suitable for re-use for purposes permissible in the district, relating such re-uses to uses existing or probable for surrounding property. Among items to be included in such plans are feasible circulation patterns in and around the site, the treatment of exposed soil or subsoil (including measures to be taken to replace topsoil and/or establish vegetation in excavated areas) in order to make the property suitable for the proposed re-use, treatment of slopes to prevent erosion and delineation of floodways and flood plains (if any) to be maintained in open usage. In such plans for re-use, where conditions are suitable, permanent lakes may be permitted, but intermittent lakes and marshes shall not be allowed except within either flood plain areas or agricultural districts.

602.3.13 Hospitals. Subject to those standards contained in Section 607.2.6

Article 6, Supplementary Regulations

607 SUPPLEMENTARY REGULATIONS: C-1 COMMERCIAL DISTRICT

607.1 Permitted Principal Uses and Structures, Special Exception Uses and Structures -- Generally

Where more than three (3) off-street parking spaces are required by the Schedule of District Regulations for any use or structure, entrances and exits shall be located so as to provide ingress and egress from roads and shall be channeled to prevent unrestricted ingress and egress to the premises. Entrances and exits to streets shall be clearly delineated.

607.2 Special Exceptions Permissible by Board of Zoning Appeals

607.2.1 Commercial stable. Requirements specifically in relation to the development of a commercial stable shall be in accordance with Section 601.

607.2.2 Veterinary services, animal hospital, kennel. Except where animals are kept in soundproof air conditioned buildings, no structures or area occupied by such animals shall be within 200 feet of the property line of any adjacent residential district.

607.2.3 Auto sales and service. No vehicles shall be parked or displayed in any required front, side, or rear yard.

607.2.4 Hotel, motel, with or without restaurant. (Amended by BOS 8/23/82)

Locational Criteria:

1. Located within community development or potential community development areas as defined by the Resource Management Plan and/or location specifically designated by an area plan.
2. Located in areas where the facility will function as a supportive use to existing industrial, commercial, or training facilities.
3. Should have land use compatibility with adjoining properties and zoning districts.
4. Located on collector roadway or frontage road of a design and capacity to safely accommodate traffic generated by the motel/hotel.
5. Building shall not be located in environmentally critical or environmentally sensitive areas, as defined by the Resource Management Plan or local area plans.

Site Development Criteria:

1. Hotel/motel uses shall be served by a public water and sewerage disposal system.

Article 6, Supplementary Regulations

2. Landscaped buffer areas of a minimum width of 100 feet shall be established between hotel/motel uses and land uses of an agricultural, residential, or institutional nature.
3. Parking requirements:
 - 1 space per rental unit.
 - 1 space per employee.
 - 1 space for every 4 restaurant seats other uses determined by Director.
4. Minimum building setback distances from State primary road rights-of-way for hotel/motel uses shall be 100 feet, except as modified by a Highway Protective Overlay District.

SPECIAL PROVISIONS:

The Board of Supervisors may waive one or more of the Locational or Site Development Criteria in the case of an application for a special exception for enlargement or expansion of an existing hotel/motel use, in any commercial zone, where the Board finds from the evidence presented at the public hearing that such waiver will be in furtherance of the goal of the protection and enhancement of the general public health, safety, and welfare and will not be detrimental to surrounding properties and the surrounding community.

607.2.5 Indoor theatre. Minimum required lot area for an indoor theatre shall be 1 acre.

607.2.6 Hospital (Amended by BOS 10/7/85)

Locational Criteria

1. All hospitals shall be located in one of the following areas:

- ° Community Development Areas or Potential Community Development Areas, as defined by the Resource Management Plan.
- ° Rural Fringe Areas, as designated by the Rural Land Management Plan.
- ° Areas designated for institutional uses by an Area Plan.

2. Hospitals shall meet the following frontage requirements:

All hospitals shall have frontage on a State or town (publicly) maintained, hard surfaced road which is capable of adequately accommodating the traffic generated by such uses.

3. Hospitals (structures) shall be set back a minimum of 250 feet from County designated Agricultural Forestal Districts. Additional setbacks may be required based on the consideration of the following criteria:
 - a. Proximity to agricultural and forestal operations;
 - b. Nature and extent of agricultural and forestal operations; and

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- c. Potential conflicts between hospitals and agricultural uses due to dangerous, noxious, or offensive impacts from agricultural and forestal uses; including, but not limited to, noise, odor, dust, chemical application, runoff, and traffic.

Site Development Criteria

1. Major hospitals shall be served by a central wastewater treatment facility.
2. Principal structures shall be set back a minimum of 100 feet from property lines which adjoin agricultural or residential land uses and districts.
3. Accessory structures and parking shall be setback a minimum of 50 feet from side and rear property lines which adjoin agricultural and/or residential districts, provided that the minimum setback may be reduced to 25 feet if adequate screening and buffering are provided.
4. Parking Requirements:
 - ° 1 space per 2 beds for in-patient services.
 - ° 1.5 spaces per 250 square feet for out-patient services.
5. Minimum Area: 2 acres.

607.2.7 Motor freight terminal. Minimum required lot area for a motor freight terminal shall be 2 acres.

607 2.8 Fairgrounds, racetrack (commercial). Minimum required lot area for a fairground or racetrack shall be 5 acres.

607.2.9 Amusement park (commercial). Minimum required lot area for a[n] amusement park (commercial) shall be 5 acres. Equipment and facilities shall not be located closer than 500 feet to any residential district boundary.

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607.2.10 Commercial recreational structures and uses. No commercial recreational activity shall be permitted which is evident from adjacent residential districts and which has the potential of adversely affecting the use and enjoyment of properties within said residential districts.

607.2.11 Outdoor motion picture theatre. Minimum area of site shall be 10 acres.

Relation to major street; entrances and exits: The site shall be adjacent to a Class I road or roads and entrances and exits shall be from said roads.

Waiting areas: Off-street parking or storage lanes for waiting patrons shall be available to accommodate not less than 30% of the vehicular capacity of the theatre unless at least six entrance lanes, each with a ticket dispenser, are provided in which case the amount may be reduced to not less than 10%.

Orientation of screen: The screen shall be located as to be reasonably unobtrusive to view from any major street, public area, or scenic lookout.

A wall or fence of adequate height shall be provided to screen the patrons and cars in attendance at said theatre from the view of the surrounding property. The perimeter of said fence shall be landscaped with suitable plants and shrubbery to preserve as far as possible harmony with the appearance of the surrounding property.

Individual loud speakers for each car shall be provided and no central loud speaker shall be permitted.

Exits and aisles and passageways shall be kept adequately lighted at all times when open to the public. Artificial lights shall be provided whenever natural light is inadequate.

607.3 Minimum Frontage Required

All interior lots shall have a minimum of 80 feet of frontage on a Class I or Class II road. All corner lots shall have a minimum of 100 feet of frontage on a Class I or Class II road.

607.4 Limitation of Use in Required Yards

Where yards are required in any C-1 district, following use limitations shall apply to required yards:

- No parking, maneuvering or loading space shall be permitted;
- No accessory buildings or uses shall be permitted, except as otherwise specifically provided;
- No storage area shall be permitted;
- Required rear and/or side yards shall be buffered from adjoining residential districts by the placement along the lot line of appropriate screening, fencing, shrubbery or walls.

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607.5 Net Floor Space Determination

In determining the net floor space for off-street parking requirements (see Article 4, Schedule of District Regulations) the following exclusions for computation purposes shall be allowed, whichever is the greater:

25% of the total gross floor area of the structure

or

The actual floor area of the following structural areas:

enclosed storage areas
access hallways
closets
stairwells
elevators
rest rooms

607.6 Off-Street Loading Space Requirements

Off-street loading space shall be provided with area, location and design appropriate to the needs of the C-1 district.

607.7 Utility Requirements

All structures hereinafter developed in any C-1 district shall be served by underground utility lines, wherever practicable.

609 SUPPLEMENTARY REGULATIONS: I-1 INDUSTRIAL DISTRICT

609.1 Permitted Principal Uses and Structures - Generally

Where more than three off-street parking spaces are required by the Schedule of District Regulations for any use or structure, entrances and exits shall be located so as to provide safe ingress and egress from roads and shall be channeled to prevent unrestricted ingress and egress to the premises.

Entrances and exits to streets shall be clearly delineated.

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609.2 Floor Area Ratio

Maximum floor area permitted shall not exceed .75 times the land area of the site. The floor area limitation shall not apply to parking and/or loading areas within buildings, which shall not be included as floor area for the purpose of these regulations:

609.3 Minimum Landscaped Open Space

There shall be a minimum of 25 feet of space landscaped with coniferous vegetation to serve as an effective visual screen along property boundaries of I-1 districts which adjoin and abut any residential or PD-H district.

609.4 Minimum Frontage Required

For all lots hereinafter erected in an I-1 district the minimum required frontage on a Class I or Class II road shall be 100 feet.

609.5 Limitation of Use in Required Yards

Where yards are required in any I-1 district the following limitations shall apply to required yards:

- a. No parking, maneuvering or loading space shall be permitted;
- b. No unenclosed storage area shall be permitted;
- c. No accessory buildings shall be permitted, except as otherwise specifically provided.

609.6 Minimum Off-Street Loading Space Requirements

Off-street loading spaces shall be provided with area, location, and design appropriate to the needs of the I-1 district.

610 SUPPLEMENTAL REGULATIONS: RECREATIONAL VEHICLE PARKS

610.1 General Requirements

All applications for the development or operation of recreational vehicle parks shall meet applicable requirements of all County ordinances and provisions of the Code of Virginia of 1950, as amended, specifically including Title 35.

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610.2 Soil Requirements

Condition of soil, groundwater level, drainage and topography of recreational vehicle sites shall not create hazards to the property or the health or safety of the occupants. R.V. unit sites shall be well drained, gently sloping and rock-free. R.V. unit sites shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards. Exposed ground surfaces shall be paved or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

610.3 Required Separation Between Units

Units shall be separated from each other and from other structures by at least twenty feet. Any accessory structure such as attached awnings, car ports or individual storage facilities shall be considered, for purposes of this separation requirement, a part of the unit.

610.4 Density Standards

- a. No recreational vehicle park shall contain more than 300 unit spaces.
- b. The minimum unit space area shall be 1800 square feet.
- c. The density of unit spaces provided for units shall in no case exceed 3 spaces per gross Park acreage.
- d. No one (1) acre shall contain more than 15 R.V. units sites.
- e. The minimum area required for application and institution of a recreational vehicle park shall be fifty (50) contiguous acres.

610.5 Design Standards

- a. All recreational vehicle parks shall be sufficiently wooded to provide adequate shade, camouflage and buffering from the public view. The applicant shall provide evidence of the degree of forestation by a current aerial photograph or by certified plat.
- b. Sites for structures which will serve as commercial convenience centers shall be no larger than 1% of the total recreational vehicle park or one (1) acre, which ever is the lesser.

610.6 Park Road System

a. General Requirements

A Commercial Entrance Permit shall be secured from the Virginia Department of Highways & Transportation for any entrance onto a public road and all provisions of the Commercial Entrance Permit shall be complied with.

All recreational vehicle parks shall be provided with safe and convenient vehicular access from an abutting public road to each unit space. Alignment and gradient shall be properly adapted to topography. Surfacing and maintenance shall provide a smooth, all weather surface which shall be well drained and free of objectionable dust.

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b. Ingress and Egress

Ingress and egress shall be at a single point which provides circulation to all unit spaces in the recreational vehicle park. The point of ingress and egress shall be designed to minimize congestion and hazards and to allow free movement of traffic on adjacent roads. A registration office shall be located between the entrance to the recreational vehicle park and any structure (excluding signs), service facility or access to unit space in the recreational vehicle park for control of ingress and egress.

c. Internal Roads

All-weather roads, preferably one-way with adequate width to accommodate anticipated traffic, shall meet the following minimum requirements:

One-way, no parking eleven feet

Two-way, no parking twenty-four feet

d. Off-street Parking and Maneuvering Space

Each recreational vehicle park shall provide sufficient parking and maneuvering space so that the parking, locating or maneuvering of units incidental to parking shall not necessitate the use of any public road, sidewalk or right-of-way or any private grounds not part of the recreational vehicle park.

610.7 Utility Lines

Utility transmission lines shall be placed underground.

610.8 Water Supply and Sewage Disposal

All recreational vehicle parks shall be served by public water and sewer facilities or by Health Department approved facilities.

610.9 Miscellaneous Requirements

a. Duration of Stay

No unit may remain in a recreational vehicle park for a period greater than 10 consecutive calendar days. Additionally, no unit may return to the recreational vehicle park until three calendar days have elapsed.

b. Registration of Occupants and Units

Every owner or operator of a recreational vehicle park shall maintain a register containing a record of all recreational vehicle units and occupants. Such register shall be available to the Zoning Administrator or any other authorized agent inspecting the recreational vehicle park and shall be preserved for a period of time required by the Zoning Administrator. Said register shall contain:

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1. The names and permanent addresses of all recreational vehicle unit occupants;
2. The make, model and license number of the recreational vehicle unit and tow vehicle; and
3. The dates of arrival and departure of a unit and its occupants.

c. Limitation on Recreational Vehicle Uses

The use of recreational vehicles as living quarters shall be limited to recreational vehicle parks, except as otherwise provided for in the Loudoun County Zoning Ordinance.

d. Duration of Special Exception Approval

Special exception permits for recreational vehicle parks shall be valid for one year, and shall be reviewed annually by the Board of Supervisors.

611 Standards for Convenience Stores (Adopted March 17, 1986)

- a. Minimum lot size: 50,000 square feet.
- b. If located at the intersection of two streets, frontage on each street must be at least 200 feet and curb cuts are at least 150 feet from the intersection.
- c. Entrances on any one right way shall be one standard VDH&T two-way commercial entrance.
- d. If within 200 feet of a residentially zoned property line, an acoustical barrier must be provided to attenuate noise to levels below Section 535.1 of this Ordinance.
- e. If within 200 feet of a residentially zoned property line, adequate screening and buffering must be provided to reduce glare and fumes to conformance with Section 535 of this Ordinance.
- f. Hours of operation must not exceed 6:00 a.m. to 11:00 p.m. for any store within 1,000 feet of residentially zoned property.
- g. Proposed lighting plan must provide a minimum average of maintained horizontal intensity of 2.0 foot candles at pavement level throughout the entire paved parking and pedestrian circulation area.

ARTICLE 7 -- SPECIAL DISTRICTS

REGULATIONS FOR SPECIAL DISTRICTS - INTENT CONCERNING SPECIAL DISTRICTS GENERALLY

The special districts for which regulations are established in this article are either: (a) of a nature involving a regulatory form not adapted to presentation in the Schedule of District Regulations, and/or (b) intended for future application as the need and opportunity arises. Except as hereinafter specifically provided, boundaries for the latter class of districts will be established on the zoning map by Board of Supervisor action. Until such action is taken, it is intended to leave lands which might be encompassed by such boundaries in other classifications indicated on the zoning map, since the boundaries of such districts cannot be fixed as to location in advance.

700 PD: PLANNED DEVELOPMENT DISTRICTS, GENERALLY

700.1 Intent

Within districts now existing or which may hereafter be created, it is intended to permit, on application and on approval of detailed site, use, building and development plans, establishment of new planned development (PD) districts for specialized purposes where tracts suitable in location, area and character for the uses and structures proposed are to be planned and developed as units. Suitability of such tracts for the plans and development proposed for the PD district shall be determined primarily by reference to the comprehensive plan and also by reference to the existing and prospective character of surrounding development. Within PD districts, regulations adapted to such unified planning and development are intended to accomplish the purposes of zoning and other applicable regulations to the same degree as in districts in which regulations are intended to control development on a lot-by-lot rather than unified basis, and to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, and a better environment.

In view of the substantial public advantages of planned development, it is the intent of these regulations to promote and encourage development in this form where appropriate in location and character.

Planned Development Districts shall be so related to the general development pattern and objectives of the Comprehensive Development Plan as to provide for the comfort and convenience of residents, faci-

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litate protection of the character of surrounding neighborhoods, and reduce general traffic congestion by a reasonably close relationship (either in distance or in time) between origins and destinations of persons living, working or visiting in such developments. Housing, commercial and service facilities, and principal places of employment shall be so related either by physical proximity or by major street networks as to promote these objectives.

700.2 Relation of PD Regulations To General Zoning, Subdivisions or Other Regulations

The provisions which follow (Sections 700.3 to 700.5.6.5) shall apply generally to the initiation and regulation of all planned development districts. Where there are conflicts between the special PD provisions herein and general zoning, subdivision or other regulations or requirements, these special regulations shall apply in PD districts unless the Board shall find, in the particular case: (a) that provisions herein do not serve public purposes to a degree at least equivalent to such general zoning, subdivision or other regulations or requirements, or (b) that actions, designs or solutions proposed by the applicant, although not literally in accord with these special regulations or general regulations, satisfy public purposes at least an equivalent degree. Except as provided in Section 700.2.1, the County shall not act in a particular case to alter the floor area ratios and similar ratios established by these regulations.

700.2.1 Modification of Ratios in Mixed Uses Areas of Planned Development Housing Districts

As part of a zoning map amendment, the Board of Supervisors may approve the modification of floor area and similar ratios on individual lots in office, mixed use, retail and commercial areas in Planned Development Housing districts subject to the following criteria and requirements.

1. The ratios established in the Ordinance are met for the district as a whole.
2. A plan of development is submitted showing the modifications in detail.
3. The modifications are in conjunction with a traditional neighborhood development incorporating the following features:
 - a. Dwellings, shops and workplaces, all limited in size are located close to each other.
 - b. A variety of streets serve equitably the needs of the pedestrian and the automobile.
 - c. Well defined squares and parks provide places for informal social activity and recreations.
 - d. Well placed civic buildings provide places of purposeful assembly for social cultural and religious activities and which can become symbols of community identity.
 - e. Buildings are located along streets and squares forming a disciplined edge largely unbroken by parking lots.
 - f. Street networks are laid out generally in a grid pattern without cul-de-sacs.
4. Approved variations for individual lots shall be shown in detail on any approved subdivision plan and site plan for those lots.
5. For any individual lot, in no case shall the floor area ratio exceed 1.5, the lot coverage ratio exceed .6 or the landscaped open space ratio be less than .1.

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700.3 Planned Development Defined

For purposes of these regulations, a planned development is:

- a. Land under unified control to be planned and developed as a whole;
- b. In a single development operation or a definitely programmed series of development operations, including all lands and buildings;
- c. For principal and accessory structures and uses substantially related to the character of the district;
- d. According to comprehensive and detailed plans which include not only street, utilities, lots or building sites and the like, but also site plans and floor plans for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings (see Section 700.5.1); and
- e. With a program for provision, operation and maintenance of such area, facilities and improvements as will be for common use by some or all of the occupants of the district, but will not be provided; operated or maintained at general public expense.

700.4 PD DISTRICTS - WHERE PERMITTED

Planned development districts may hereafter be established by amendment to the official zoning map and related amendatory action where tracts suitable in location and character for the uses and structures proposed are to be planned and developed as units, according to the requirements and procedures set forth herein. PD districts shall be appropriately located with respect to intended functions, to the pattern and timing of development existing or proposed in the comprehensive plan, and to public and private facilities, existing or clearly to be available by the time development reaches the stage where they will be needed. All requirements specified in Article 12 shall be met.

700.5 Procedures on PD Amendments

700.5.1 Applications, materials to be submitted. Applications for PD amendment shall be submitted as for other amendments. Material submitted with the application or on subsequent request by the Planning Commission shall include all plans, maps, studies, and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. More specifically, all of the following shall be required:

- a. Location of tract or parcel by vicinity map at a scale of not less than one (1) inch equals 2,000 feet, and land marks sufficient to properly identify the locations of the property.
- b. An accurate boundary survey of the tract or plan limit showing the location and type of boundary evidence.

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- c. Existing and proposed roads, easements, and utilities; water courses and their names; owners, zoning, present use of adjoining tracts, and location of residential structures on adjoining tracts, if any.
- d. Location, type and size of ingress and egress to the site.
- e. Existing topography accurately shown with a maximum of five (5) foot contour intervals at a scale of not less than fifty (50) feet to the inch. Other maximum interval may be required by the Planning Commission where topographic considerations warrant.
- f. Flood plain limits which shall be established by current soil survey and/or engineering methods.
- g. Connection to proposed Virginia Department of Highways construction when necessary.
- h. A minimum of two (2) datum references for elevations to be used on plans and profiles and correlated, where practical, to U.S. Geological Survey data.
- i. In particular there shall be supplied a report identifying all property owners within the area of the proposed district and giving evidence of unified control of its entire area. The report shall state agreement of all present property owners:
 - (1) To proceed with the proposed development in accordance with all current regulations with such modifications as are set by the Board of Supervisors and agreed to by the applicant at the time of amendment: **Revised February 16, 1982**
 - (2) To provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the Board of Supervisors for completion of such development according to approved plans, and for continuing operation and maintenance of such areas, facilities and functions as are not to be provided, operated or maintained at general public expense; and such dedications, contributions, or guarantees as are required for provision of needed public facilities or services; and,
 - (3) To bind their successors in title to any commitments made under (1) or (2) above.

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In addition to, or as part of, the report described above, applicants shall submit a development concept plan for the development and shall submit detailed proposals in accord with (1) and (2) above as a basis for specific agreements concerning plans, programs or instruments or specific modifications of details of PD or other zoning, subdivision or other regulation, or of the Comprehensive Development Plan where it is alleged by the applicant that such modification serves public purposes to an equivalent degree.

700.5.2 Planning Commission procedures. On applications for PD amendments, the Planning Commission shall proceed in general as for other amendments but shall give special consideration to the following matters and shall allow changes in original applications as indicated below.

700.5.3 Pre-hearing conferences with applicants. On request by applicants, qualified members of the staff of the Department of Planning and Zoning, and such other officials as the Planning Commission may deem appropriate shall meet with applicants to review the original application. The purpose of such pre-hearing conference shall be to assist in bringing the application and material submitted therewith, as nearly as possible into conformity with these or other regulations applying in the case, and/or to define specifically variations from application of regulations which would otherwise apply which seem justified in view of equivalent service of the public purposes of such regulations.

In the course of such pre-hearing conferences, any recommendation for changes shall be recorded in writing, and shall become part of the record in the case. All such recommendations shall be supported by stated reasons for the proposal for change. Applicants shall indicate, in writing, their agreement to such recommendations, or their disagreement and their reasons therefor. Response by applicants shall also be included in the record.

700.5.4 Planning Commission recommendations to the Board of Supervisors.

At such time as further conferences appear unnecessary, or at any time on request of the applicant, the Planning Commission shall proceed to prepare its recommendations to the governing body, as provided generally in Article 12, Amendments. The date of the Planning Commission's determination to proceed, or of the applicant's request for preparation of recommendations shall be deemed the date of submission of the formal application for amendment. Specifically, recommendations of the Planning Commission shall include findings:

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- a. As to the suitability of the tract for the general type of PD district proposed in terms of relation to the comprehensive plan, physical characteristics of the land and its relation to surrounding area and existing and probable future development;
- b. As to relation to major roads, utilities, public facilities and services;
- c. As to adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees, or other instruments, or the need for such instruments or for amendments in those proposed;
- d. In connection with plans submitted as part of the application, as to the suitability of such plans or the desirability of amendments; and,
- e. As to desirable specific modifications in PD or general regulations as applied to the particular case, based on determination that such modifications are necessary or justified in the particular case by demonstration that the public purposes of PD or general regulations as applied in the particular case would be met to at least an equivalent degree by such modifications.

Based on such findings, the Planning Commission shall recommend approval of the PD amendment as proposed, approval conditioned on stipulated modifications; or disapproval.

700.5.5

Action by Board of Supervisors. On applications for PD amendments the Board of Supervisors shall proceed in general as provided for in other amendments. The Board of Supervisors may grant the application in accord with PD and general regulations, may include specific modifications of PD or general regulations as provided in Section 700.5.4, as recommended by the Planning Commission, or may deny the application.

If the amendment is granted, the Board of Supervisors shall, in its amending action, approve the development concept plan in whole or in part or may indicate required changes, and such approval or requirements shall be binding in determinations concerning final development plans.

If the Board of Supervisors grants the amendment, the development shall be in accord with site development plans meeting the requirements of this ordinance, as specifically supplemented or modified by the Board of Supervisors in the particular case.

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700.5.6 Planning Commission action following zoning to PD status

700.5.6.1 Contents of site development plans and reports.

Section 700.5.6.1 deleted in its entirety by Loudoun County Board of Supervisors on November 19, 1984; effective December 1, 1984.

700.5.6.2 Approval of Site Development Plans (Adopted by Loudoun County Board of Supervisors November 19, 1984; effective December 1, 1984.)

After lands are rezoned to PD status, no building permit shall be issued in such district unless and until the Site Plan Committee shall have approved site development plans and reports for the development as a whole or stages or portions thereof deemed satisfactory in relation to total development. No structure or use other than as indicated in approved site development plans and reports shall be permitted.

Approval of site development plans and reports shall be based on (a) compliance with all current regulations, including application provisions of the Subdivision Ordinance, unless conflicting with PD regulations and related capital improvement requirements of the County in regard to construction of physical improvements and bonding thereof and such modifications as were made by the Board of Supervisors in the amending action.

Upon approval of site development plans and reports, building permits shall be issued in the same manner as for building permits generally, provided that any requirements concerning the order or location in which building permits are to be issued in the particular PD district shall be observed. Except as provided below, final plans and reports approved shall be binding on the applicant and any successors in interest so long as PD zoning applies to the land.

700.5.6.3 Changes in Approved Site Development Plans (Adopted by Loudoun County Board of Supervisors November 19, 1984; effective December 1, 1984.)

Changes in approved site development plans may be permitted by the Site Plan Committee on application by the original applicant or successor in interest, but only on a finding that such changes are in accordance with all regulations in effect at the time the site development plan or plat was approved and in accordance with the general interest and purpose of the comprehensive plan in effect at such time, provided that the applicant may elect to proceed in accordance with the regulations and comprehensive plan currently in effect. Changes other than as indicated above shall be made only by new PD or other amendments.

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700.5.6.4 Public hearings permissible but not mandatory in connection with site development plans. Action in connection with approval of site development plans or changes in approved plans not requiring ordinance amendment are administrative, and do not require public notice and hearing but the Planning Commission may hold such hearings as it deems desirable in connection with such action.

700.5.6.5 Expiration of time limits on PD amendments. If actions required in the amendments are not taken within time limits set, the Planning Commission shall review the circumstances and recommend to the Board of Supervisors that:

- a. PD zoning for the entire area be continued with revised time limits; or,
- b. PD zoning be continued for part of the area with revised time limits, and the remainder rezoned to an appropriate category; or
- c. the entire area be rezoned from PD to an appropriate category.

Such recommendations shall include, proposals for appropriate action with respect to any legal instruments, dedications, contributions or guarantees in the case.

701 PD-H: PLANNED DEVELOPMENT - HOUSING DISTRICTS

The following regulations and requirements apply to planned developments primarily for housing.

701.1 Areas Previously Zoned R-3

Notwithstanding the requirements and provisions of Section 700, Planned Development Generally, where R-3, Residential Multi-Family districts have been established prior to the adoption of this ordinance such districts shall be considered to have been established as PDH-30 districts under this ordinance, and shall be so designated on the zoning map with appropriate indication as to the current sub-classification of such district.

Notwithstanding the requirements and provisions of Section 700, Planned Development Generally, districts hereby created shall be subject to requirements as to approval of site development plans and reports by the Planning Commission as for other planned development housing. Related bonds, dedications, guarantees, agreements, contracts, and deed restrictions shall be approved by the Board of Supervisors before building permits may be issued.

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701.2 Planned Development - Housing, Defined

A planned development - housing, is defined for the purposes of these regulations as a planned development (as defined generally in Section 700) primarily for dwellings and related uses and facilities.

701.3 PD-H Districts, Where Permitted, Intent

PD-H districts may hereafter be established by amendments to the official zoning map in accordance with the provisions set forth generally for PD districts in Section 700 and Article 12, and with intensities and in locations in accordance with the proposed residential development element of the Comprehensive Development Plan. With respect to timing of development it is the intent of these regulations that due consideration shall be given to the relationship of the proposed development to:

- a. The general housing market in the County's area of the Metropolitan area;
- b. The relationship of employment opportunities to the location of the proposed planned development;
- c. The amount of potential housing supply under plans approved by the County;
- d. The existing housing supply.

701.4 Adoption of "Guides and Standards for Planned Developments - Housing"

"Guides and Standards for Planned Developments - Housing", are adopted as detailed requirements to guide applicants in preparation of plans and programs for planned developments housing, and to guide in review of proposals and administration of PD-H zoning.

701.5 Permitted Principal and Permissible Uses and Structures

701.5.1 Permitted principal uses and structures are as follows:

- a. One-family detached, semi-detached and attached dwellings, other than mobile homes
- b. Duplexes, other than mobile homes
- c. Multi-family dwellings.
- d. Churches
- e. Schools
- f. Parks, playgrounds, community centers and non-commercial recreational facilities such as golf courses, tennis courts, marinas, game rooms, libraries and the like
- g. Wayside bus stations.

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701.5.2 Permitted accessory uses and structures are as follows:
Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures including guest houses and home occupations.

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used until the principal building is completed and in use, provided however that temporary buildings and uses shall be permitted for not to exceed one year in connection with construction, with permits renewable as provided in Section 904.5.2.

701.6 Permissible Uses and Structures

In addition to the principal and accessory uses and structures permitted by right, as indicated above, facilities planned for development as part of the district and serving needs not otherwise served in the general area may be permitted by the Board of Supervisors: (a) as part of a PD-H amendment, or (b) by special exception procedure at any time after PD-H amendment provided that such facilities shall only include those uses and structures which are intended:

- a. Primarily to serve the needs of persons in the PD-H district;
- b. Are of a nature permitted in other districts;
- c. Are designed and located to protect the character of the district and surrounding residential districts; and
- d. Shall occupy in total not more than 28% of the total land area of the district.

More specifically such facilities may include those listed below.

701.6.1 Industrial and office building uses. Where industrial parks are provided as part of a development concept plan, the residential floor area ratio shall be increased by an amount proportionate to the relationship between the industrial land area and the residential land area; provided however that no such industrial park shall have less than 10 acres or constitute more than 25% of the total land area of the planned development.

701.6.2 Services and commercial uses. Services and commercial uses restricted to occupy a total of not more than 3% of the total land area of the district, including, as appropriate to the scale of the development, convenience establishments, neighborhood shopping centers or community shopping centers.

701.6.2.1 Public Uses and Structures. Structures and uses required for the operation of a public utility or performance of a government function.

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701.6.3 Transitional uses. On the first lot or first 150 feet of any Planned Development Housing (PDH) district adjoining a commercial or industrial district, an office or clinic not exceeding 5000 square feet floor area shall be permitted, or a combination of not-to-exceed one dwelling unit and an office or clinic, with total floor area not exceeding 5000 square feet floor area, subject to the yard and lot coverage requirements of the PDH district and to the off-street parking and loading requirements of the district in which the office or clinic use is first generally permitted.

Except as provided under permitted principal or accessory or transitional uses and structures, above, service, commercial or office uses shall be permitted only in planned shopping centers or in the form of convenience establishments, and in accordance with detailed regulations and requirements set forth in "Guides and Standards for Planned Developments - Housing."

701.6.4 Special Exceptions in Planned Development - Housing Districts, Generally.

Wherever permissive or special exception uses and structures are permitted in PD-H Districts, the following procedures shall apply:

701.6.4.1 In cases where the application for special exception is part of a PD-H District amendment, the special exception application shall be reviewed by the Planning Commission, who shall forward its recommendation on the special exception to the Board simultaneously with its district amendment recommendation.

701.6.4.2 In cases where the application for special exception occurs after PD-H amendments, the Zoning Administrator shall file the application directly with the Board of Supervisors for final disposition, as provided elsewhere in this Ordinance.

701.7 Detailed Definitions and Procedures for Computations

(see chart following) relating to land area and the ratios below appear in Section 702, "Guides and Standards for Planned Development - Housing."

701.8 Housing Densities, Internal. The following maximum floor area ratios shall govern the density and floor area for subsections of a planned development for housing types designated:

<u>Housing Type</u>	<u>Floor Area Ratio</u>
One family detached	.14
One family semi-detached and attached	.28
Garden apartments (3 story maximum)	.33
High rise apartments	.60

701.9 Required Off-Street Parking Spaces

<u>Use</u>	<u>Required Spaces</u>
One or two family detached, semi detached, and attached dwellings	2 spaces per dwelling unit

Minimum Area Requirements and Standard Ratios for PD-H Districts shall be as follows:

	<u>PD-H 12*</u>	<u>PD-H 24*</u>	<u>PD-H 30*</u>
Minimum Area Required for Formation of PD-H District	400 acres	10 acres	5 acres
Maximum Residential Floor Area Ratio	.123	.246	.303
Minimum Residential Open Space Ratio	6.4	3.0	2.4
Minimum Livability Space Ratio	4.7	2.0	1.5
Minimum Common Livability Space Ratio	2.5	1.5	.9
Minimum Recreation Space Ratio	.23	.16	.15

APPLICATION OF ABOVE RATIOS

Floor Area Ratio (F.A.R.) x Gross Residential Land Area = Maximum Permitted Residential Floor Area

Permitted Residential Floor Area x Open Space Ratio = Minimum Total Open Space Required

Permitted Residential Floor Area x Livability Space Ratio = Minimum Livability Space Required

Permitted Residential Floor Area x Common Livability Space Ratio = Minimum Common Livability Space Required

Permitted Residential Floor Area x Recreation Space Ratio = Minimum Recreation Space Required

EXAMPLE OF RATIOS APPLIED TO PDH 24 WITH 10 ACRE SITE

	<u>PDH 24</u>
Residential Floor Area Ratio (F.A.R.)	.246
x Gross Residential Land Area	<u>x 10</u> acres
Permitted Residential Floor Area	2.46 acres
Permitted Residential Floor Area	2.46 acres
x Open Space Ratio	<u>x 3.0</u>
Minimum Total Open Space	7.38 acres
Permitted Residential Floor Area	2.46 acres
x Livability Space Ratio	<u>x 2.0</u>
Minimum Livability Space	4.92 acres
Permitted Residential Floor Area	2.46 acres
x Common Livability Space Ratio	<u>x 1.5</u>
Minimum Common Livability Space	3.69 acres
Permitted Residential Floor Area	2.46 acres
x Recreation Space Ratio	<u>x .16</u>
Minimum Recreation Space	.39 acres

FOOTNOTE: Note that all open space requirements relate directly to (permitted) residential floor area. Hence, the 2.46 acres of permitted residential floor area is used as a constant figure in determining amounts of required open and recreation space.

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	<u>Use</u>	<u>Required Spaces</u>
	Structures and uses required for operating of a public utility	As determined by the Planning Director in connection with the particular case.
	Multi-family dwellings	2 spaces per dwelling unit
	Churches	1 space for each 10 seats in main auditorium
	Schools, private	1 space for each 5 pupils
	Parks, playgrounds, community centers and non-commercial recreational facilities	As determined by the Planning Director in connection with the particular case
	Structures and uses required for operating of a public utility, performance of a governmental function	
702	<u>GUIDES AND STANDARDS FOR PLANNED DEVELOPMENTS - HOUSING</u>	
702.1	<u>Permitted or Permissible Uses</u>	
702.1.0	<u>Uses permitted (principal and accessory) in PD-H districts are in general as provided in Section 701. With respect to such principal and accessory uses as are not residential, PD-H requirements and limitations, unless specifically stated or modified herein, shall be for the district in which such uses first appear in the Schedule of District Regulations or Supplementary Regulations.</u>	
702.1.1	<u>Industrial and Office Building Uses</u>	
702.1.1.1	<u>All requirements of Section 720, Planned Development - Industrial Districts, Generally, shall apply.</u>	
702.1.1.2	<u>Additionally, the following requirements shall apply:</u> Permitted Principal Uses and Structures - Section 722.3.1 Minimum Area, Individual Lots in District - Section 722.4.2 Minimum Landscaped Open Space - Section 722.5 Minimum Yard Requirements - Section 722.6	

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- 702.1.2 Planned shopping centers in PD-H districts are permissible only as provided generally in Section 701, and only subject to the following restrictions and requirements.
- 702.1.2.1 Use, yard, sign and off-street parking requirements shall be as for PD-SC (neighborhood or community districts only), unless the circumstances of the particular case require more restrictive regulations, provided however that first floor location uses shall be restricted to commercial and personal service and finance establishments.
- 702.1.2.2 Location shall provide direct access to arterial, major or collector streets without creating through traffic on minor streets in residential neighborhoods, causing traffic hazards or congestion, or impeding free traffic flow.
- 702.1.2.3 Design; control of potential adverse effects. Orientation of buildings shall be away from residential development, and layout of parking and service areas, access, landscaping, yards, courts, walls, signs and lighting, and control of noise and other potentially adverse influences shall be such as to protect the residential character of the PD-H district and any other residential districts in the vicinity.
- 702.1.2.4 Lot coverage by all buildings shall not exceed 20% of the net area of the site, exclusive of adjoining streets.
- 702.1.2.5 Non-vehicular open space in an amount equal to at least 20% of the net area of the site exclusive of adjoining streets shall be provided. Such space shall be landscaped or otherwise appropriately improved and located for general amenity to provide buffering, convenient pedestrian circulation, play areas for children, passive recreation areas and the like.
- 702.1.2.6 Maximum total floor area shall not exceed the number of square feet obtained by multiplying the net area of the site, exclusive of adjoining streets, by .40:
- 702.1.2.7 Multiple use of access. Where appropriate to general design of the district and timing of operations of the uses involved, accessways may be so located as to serve other uses in the district, if such multiple use will not lead to congestion, or hazards to pedestrian or vehicular traffic.

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- 702.1.2.8 Minimum number of dwelling units for which permits must be issued before issuance of permit or shopping center. No building permit for any such shopping center shall be issued prior to issuance of building permits for 80% of the dwelling units for which said center is to serve.
- 702.1.3 Convenience establishments
- 702.1.3.1 Defined: uses permitted. For purposes of these regulations, convenience establishments are defined as small establishments designed and intended to serve the daily or frequent trade or service needs of immediately surrounding medium to high-density population. Such establishments, as permitted in PD-H districts, may include groceries, variety stores, drug stores, coin-operated laundry and dry cleaning establishments and laundry and dry cleaning agencies, tailoring and dressmaking shops, beauty shops, barber shops, medical and dental offices, and the like. Specifically excluded are automobile filling stations and repair garages and drive-in eating and drinking establishments.
- 702.1.3.2 Location: grouping. Such establishments shall be located only in portions of PD-H districts: (a) not served by similar facilities within reasonable walking distance; and (b) with dwelling unit densities of at least 6 per acre so located as to provide substantial walk-in trade. Where more than one establishment of this nature is proposed, establishments shall be grouped, arranged and designed for maximum pedestrian convenience, and vehicular access and parking areas shall be combined where such combination will result in substantial improvement in public convenience and improvement of vehicular circulation.
- 702.1.3.3 Control of potential adverse effects. Such establishments shall not have substantial adverse effects on residential uses within the district or adjoining residential districts by reason of their location, design, construction, manner or timing of operation, signs, lighting, parking or access arrangements or other characteristics. Landscaped open space shall be utilized to protect the residential character of the PD-H and surrounding districts. There shall be no evidence of the non-residential character of such districts visible from first story residential windows outside the PD-H district.
- 702.1.3.4 Maximum size of establishments. In the PD-H environment, it is the intent of these regulations that no such establishment or group of establish-

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ments shall be of such size or character as to create the impression of general commercial development. Therefore, in addition to other limitations designed to achieve these ends, no individual convenience establishment established under the provisions of this section shall have a gross floor area in excess of 5,000 square feet; and no combination of such establishments in any one location shall have a total gross floor area of more than 10,000 square feet.

- 702.1.3.5 Lot coverage. No minimum lot area or width requirements are set for convenience establishments, but lot coverage by all buildings shall not exceed 40% of the net area of the lot or building site.
- 702.1.3.6 Yards: building spacing. Yards adjacent to streets or other lot or building site lines shall have the same or greater depth as required for adjoining residential uses. Where space is left between buildings on the lot or building site, it shall be at least 5 feet in width.
- 702.1.3.7 Non-vehicular open space in an amount equal to at least 15% of the net area of the site, exclusive of adjoining streets shall be provided. Such space shall be landscaped or otherwise appropriately improved for general amenity to provide convenient pedestrian circulation, play areas for children, passive recreation area and the like.
- 702.1.3.8 Off-street parking and multiple-use of access. Off-street parking space shall be two-thirds of that required for the PD-SC neighborhood district. Where appropriate to the general design of the district and timing of operations of the uses involved, accessways may be so located as to serve other uses in the district, as provided in Section 702.1.2.7.
- 702.1.3.9 Sign limitations shall be as provided in Article 5 of this ordinance, with business signs limited as provided in Section 523.2.18 (c).
- 702.1.3.10 Minimum number of dwelling units for which permits must be issued within the PD-H district before issuance of permit for convenience establishment. No building permit for any such convenience establishment shall be issued prior to issuance of building permits for at least 100 dwellings within 750 feet, by normal pedestrian routes, of the location of such establishment.

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702.2 Site Planning - External Relationships

Site planning within the district shall provide protection of the development from potentially adverse surrounding influences, and protection of surrounding areas from potentially adverse influences within the development. In particular:

- 702.2.1 Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Left hand storage and right hand turn lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic.
- 702.2.2 Access for pedestrians and cyclists entering or leaving the district shall be by safe and convenient routes. Such access need not be adjacent to, or limited to the vicinity of, vehicular access points. Where there are crossings of pedestrian ways and vehicular routes at edges of planned developments, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at edges of districts, safeguards may be required to prevent crossings except at designated points. Bicycle and/or bridle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- 702.2.3 Protection of visibility - pedestrian and cyclist. Where there is pedestrian or bicycle access from within the development to a street at its edges by paths or across yards or other open space without a barrier to access to the street, no material impediment to visibility more than 2-1/2 feet above the level of the center of the street shall be created or maintained within areas appropriate to the circumstances of the case, but in any event within a visibility triangle equivalent to that required in Section 512.
- 702.2.4 Uses adjacent to single-family or agricultural-residential districts. Where a PD-H district adjoins a single-family residential or agricultural-residential district without intervening permanent open space at least 150 feet in width serving as a separation for buildable areas, the portion of the perimeter of the PD-H district so adjoining (150 feet) shall be planned and developed only for uses permitted in the adjoining residential district or for the residential district affording the next highest

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permitted density and in accordance with all other requirements for such district, provided however that in lieu of development, common open space for the PD-H district to a depth of 150 feet from the district boundary may be permitted. No intensive recreational use shall be permitted within 75 feet of the district boundary in such circumstances.

702.2.5 Yards, fences, walls, or vegetative screening at edges of PD-H districts shall be provided where needed to protect residents from undesirable view, lighting, noise, or other off-site influences, or to protect residents of adjoining residential districts from similar adverse influences within the PD-H district. In particular, extensive off-street parking areas and service areas for loading and unloading vehicles other than passenger and for storage and collection of refuse and garbage shall be screened.

702.2.6 Height limitations at edges of PD-H districts. Except along boundaries where adjoining districts permit greater heights within similar areas, height limitations shall be limited to imaginary planes leaning inward from district boundaries at an angle representing an increase in height of 1/2 (one-half) foot for each foot of horizontal distance perpendicular to the district boundary. No portion of any building in such district shall project through said imaginary planes.

702.3 Site Planning--Internal Relationships.

The site plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses and facilities. Elements of the site plan shall be organized in relation to topography, the size and shape of the plot, the character of the adjoining property, existing desirable trees, and the views within and beyond the site. Additionally, the site plan shall provide for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:

702.3.1 Maximum height restrictions. (Amended by BOS November 18, 1985)

Dwellings: 35 feet.

Other buildings: 35 feet, provided that a building may be erected to a maximum height of 100 feet if it is set back from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than 2 feet for each 1 foot of height that it exceeds the 35-foot limit.

702.3.2 Relation between buildings and common livability space.

Buildings for residential occupancy shall be located and arranged in a manner that each lot has reasonably direct access to common livability space complementing livability open space on its site. Such common livability open space shall be of a nature and shall be scaled, improved, and arranged, to serve the needs of the residents of such buildings.

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702.3.3.1 Specifications

The arrangement, character, extent, width, grade, and location of all streets shall be designed and constructed in accordance with specifications acceptable to the Virginia Department of Highways and Transportation for inclusion into the State Highway System.

702.3.3.2 Streets, drives, parking and service areas shall provide immediate, safe and convenient access and circulation for dwelling units and project facilities, and for service and emergency vehicles including fire fighting equipment, furniture moving vans, fuel trucks, garbage collection, deliveries, and snow removal. Streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks. In general, block size shall be the maximum consistent with use and shape of the site and the convenience and safety of the occupants.

702.3.4 Vehicular access to streets

702.3.4.1 If the street or portion thereof serves 50 or less dwelling units, vehicular access from off-street parking and service areas may be directly to the street from individual dwelling units. Determination of number of dwelling units served shall be based on normal routing of traffic anticipated in the development.

702.3.4.2 Vehicular access to other streets or portions of streets from offstreet parking and service areas shall be so combined, limited, located, designed, and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruption.

702.3.5 Ways for pedestrians and cyclists; use by emergency or service vehicles. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units, project facilities and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as play areas or routes to school or other destinations shall be so located and safeguarded as to minimize contacts with normal automotive traffic. If substantial bicycle traffic is anticipated, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways, located and designed to provide safety, and appropriately marked and otherwise safeguarded. Pedestrian ways, appropriately located, designed and constructed, may be combined with other easements and used by emergency or service vehicles, but shall not be used by other automotive traffic.

702.3.6 Protection of visibility--automotive traffic, cyclists and pedestrian shall be as provided in Section 512.

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- 702.3.7 Yards, courts, and building spacing for structures or portions of structures containing housing.
- 702.3.7.1 Intent. Yards, courts, and other open spaces required herein in relation to structures or portions of structures containing dwelling units in PD-H districts are intended to perform a variety of functions. Among these are assuring (as appropriate to and required by the uses involved and their location) adequate privacy, desirable outlook, natural light and ventilation, access to and around buildings, off-street parking and loading space and service areas, space for landscaping, spacing between buildings and portions of buildings for reducing potential adverse effects of noise, odor, glare, or hazards from fire and recreational space near buildings.
- 702.3.7.2 Application of regulations. Except as Section 702.2.4 affects the edges of PD-H districts, the following regulations shall apply to yards, courts, other open space, and building spacing within PD-H districts, and measurements and interpretations are provided herein.
- 702.3.7.3 Required yards, courts, and other open spaces need not be at ground level, if and to the extent that in above ground locations their functions, nature, locations, areas, access and improvements are appropriate to uses within the building and adjoining buildings, and particularly to adjacent uses on the same floor of the building and overlooking uses in the same or nearby buildings. These requirements are intended to reduce unnecessary fragmentation of open space around buildings and to encourage provision of such space in location and dimensions providing more effective use in relation to functions, and not to reduce total amount of such space required.
- 702.3.7.4 Requirements for yards for one family detached dwelling units shall be as provided in Article 4, Schedule of District Regulations--R-2 Single-Family Residential Districts.
- 702.3.7.5 Required widths for lots shall be as follows:
- | | |
|--------------------------|---------|
| One-Family detached | 65 feet |
| One-Family semi-detached | 50 feet |
| One-Family attached | 18 feet |
- 702.3.8 Yards, courts, and building spacing for structures or portions of structures not containing housing shall be appropriate to the use of such structure or portion of structures as related to anticipated amounts and timing of vehicular and pedestrian traffic and exposure of nearby housing to such use; and with due regard for:
- Location of principle glassed area in such nearby housing;
 - Separation of residential open space from other open space by walls, fences, or vegetative screening where desirable;
 - Location of proposed parking areas, drives, and service areas.

702.4 Definitions and Methods of Measurements Relating to Standard
Land Use Ratios and Corresponding Requirements

For purposes of relating PD-H district regulations to standard land use ratios, the following provisions shall govern. In general, references to "the site," "the property," "the project," and the like shall be considered to refer to the PD-H district.

702.4.1 Minimum area for the district. In determining whether area for the district meets the requirements of these (see Section 701.7) regulations:

Land area is:

- a. The site area for residential use within the property lines;
- b. Plus half of any abutting alley or street right-of-way, as limited below;
- c. Plus half of any abutting beneficial open space with reasonable expectance of perpetuity (see Section 702.4.9), as limited below.

Except that the width of any abutting open space included in land area shall not exceed an amount in linear feet equal to:

PDH-12:	33 feet
PDH-24:	43 feet
PDH-30:	46 feet

702.4.1.1 No minimum area requirement for formation of PDH-12 districts shall be imposed on lands adjacent and continuous, without intervening Class I roads, to lands zoned planned community or planned community district as of June 21, 1972. All other requirements for PDH-12 districts shall be in full force and effect.

702.4.2 Residential land area is the site area for residential use to be construed as including lands used for residential development and related open space and portions of grounds of schools, churches and the like, providing recreational open space or other livability space. Residential land area shall not be construed to include areas for shopping centers, convenience establishments, or portions of school or church grounds not constituting recreational open space or other livability space.

As a further guide, where the floor area of a building is predominantly in residential use, the building site shall be included in the recreational area. Thus, a multi-family structure containing accessory commercial and service uses would be considered as occupying residential land area.

In order to prevent abuses arising from inclusion of extensive areas not suitable for residential development in computing residential floor area ratios, the following limitations shall apply:

The land area base for determining maximum permissible residential floor area shall consist of the land area suitable for residential development within the district (defined as land other than in the classes described below) plus an area consisting of an amount equal to but not to exceed 20 percent of such developable area, comprised of lands within the district falling within the following classes:

- a. Flood hazard areas
- b. Slopes exceeding 12 percent
- c. Soils judged unsuitable for development

702.4.3 Residential floor area ratio (FAR). The residential floor area is the total floor area of all stories divided by the land area. It shows the square foot amount of floor area present for each square foot of land area.

702.4.4 Residential floor area is the sum of the areas for residential use on the several floors of a building or buildings, measured from the faces of the exterior walls and includes:

- a. Halls, lobbies, stairways, and elevator shafts;
- b. Basement or lowest story to extent used for residential purposes and for access to residential use.

Residential floor area shall not include:

- a. Any terrace, patio, atrium, porch, or balcony which is not covered;
- b. Any garage or carport;
- c. Any area used for major mechanical equipment; or
- d. Any area used for commercial or other non-residential purposes.

702.4.5 Open space. All land area not covered by buildings and structures.

702.4.6 Livability open space is all open space not planned or utilized for access, circulation, parking, or loading, or other physical improvement which prevents the physical or visual use of the area for open space purposes.

702.4.7 Common livability open space is livability open space which is generally available to all or some residents of the district and which is under the aegis of a recognized homeowners' association or other group or agency meeting the requirements set forth in Section 702.4.11.

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- 702.4.8 Recreation space is that part of the livability open space which is specifically designed to serve the needs of residents of the district concerning active recreation (activities may include, but not be limited to, swimming, tennis, golf, ballfields. Small children's play areas may be counted as recreation space if the area's least dimension, is 50 feet and the area contains at least 2,500 square feet).
- 702.4.9 Beneficial open space shall be interpreted to mean open space performing a necessary or desirable function in relation to adjoining or nearby residential use within the development, including but not restricted to provision of separation between buildings, insulation from adverse environmental influences, enhancement of privacy, provision of livability space, recreation space, and the like. If performing such functions, beneficial open space with reasonable expectation of perpetuity may include streets, rivers, lakes, parks and grounds around public and quasi-public buildings, and similar areas.
- 702.4.10 Methods of computations
- 702.4.10.1 Maximum residential floor area permitted shall be determined by multiplying the residential land area of the district by the residential floor area ratio for the district.
- 702.4.10.2 Minimum open space required shall be determined by multiplying the maximum residential floor area permitted by the open space ratio.
- 702.4.10.3 Livability open space required shall be determined by multiplying maximum residential floor area permitted by the livability space ratio.
- 702.4.10.4 Common livability space required shall be determined by multiplying maximum residential floor area permitted by the common livability space ratio.
- 702.4.10.5 Recreation space required shall be determined by multiplying maximum residential floor area permitted by the recreation space ratio.
- 702.4.10.5.1 Location with relation to dwellings. In addition to the requirements set forth at (M315), the following shall apply insofar as reasonably practicable.
- a. Recreation areas intended for general use and for pedestrian access shall be accessible from dwellings without crossing streets, or with a minimum of street crossings.
 - b. Walkways and recreational areas shall form an interconnected system, serving also as routes to schools, churches, and other major pedestrian destinations.
 - c. The recreation and walkway system shall be located in block interiors and oriented away from exposure to automotive traffic.

- d. At least 90 percent of all dwelling units shall be within 600 feet (by normal pedestrian routes) of countable recreation space.

702.4.11 Management of common livability space and common facilities.
All open space shall be preserved for its intended purpose as expressed in the "Development Plan." The developer shall choose one, or a combination of the following methods of administering common livability space:

- a. Public dedication to the County of the open space. This method is subject to formal acceptance by the County;
- b. Establishment of a non-profit association, corporation, trust, or foundation of all individuals or corporations owning residential property within the planned development to insure the maintenance of open spaces;
- c. Retention of ownership, control, and maintenance of open space by the developer, subject to approval of the Board of Supervisors.

All open space not dedicated to the public shall be made subject to restrictive covenants running with the said land thereafter restricting its use as declared in the "Development Plan," and such restrictions shall be for the benefit of, and enforceable by, all present or future property owners who shall be entitled to the use of such open space under said "Development Plan" and the Board of Supervisors of Loudoun County.

All open space, as well as public recreational facilities, shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.

If the developer elects to administer open space through an association, non-profit corporation, trust, foundation, said organization shall conform to the following requirements:

- a. The developer must establish the organization prior to the sale of any lots.
- b. Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community and said organization shall not discriminate in its members or shareholders.
- c. The organization shall manage all open space, and recreational and cultural facilities that are not dedicated to the public; shall provide for the maintenance, administration, and operation of said land and improvements and any other land within the planned community not publicly or privately owned; and shall secure adequate liability insurance on the land.
- d. Shall generally follow the format of FHA Document 1401.

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710 PLANNED DEVELOPMENT--COMMERCIAL HIGHWAY--PD-CH

The following regulations and requirements shall apply to planned developments primarily for commercial development on primary highways.

Notwithstanding other requirements and provisions of Article 7, where CH districts have been established prior to the adoption of this ordinance, such districts shall be considered to have been established as Planned Development--Commercial Highway districts under this ordinance, and shall be so designated on the zoning map with appropriate indication as to the correct sub-classification of such districts.

Notwithstanding other requirements and provisions of Article 700, Planned Development--Generally, Planned Development--Commercial Highway districts hereby created shall be subject to requirements as to approval of site development plans and reports by the Planning Commission as for other planned developments, and related bonds, dedications, guarantees, agreements, contracts, and deed restrictions shall be approved by the Board of Supervisors before building permits may be issued.

710.1 Planned Development--Commercial Highway, Defined; Where Permitted

The Planned Development--Commercial Highway district (hereafter referred to as PD-CH) is created to permit the development of a broad range of highway-related commercial activities, other than shopping centers, in locations recommended in the Comprehensive Development Plan. Such development shall occur in accordance with procedures and requirements established in this ordinance for Planned Development Districts--Generally, and for PD-CH districts in particular.

It is intended that PD-CH districts will:

- a. Encourage concentration of complementary uses grouped adjacent to major highways serving, both large areas of the County and through traffic, limiting sprawling strip commercial development, and reducing marginal traffic friction;
- b. Provide for well-planned development on sites with adequate frontage and depth to permit controlled access to highways and maximum convenience and efficiency for uses of such facilities;
- c. Protect stability and property values in surrounding residential neighborhoods.

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710.2 Permitted Principal Uses and Structures

Permitted principal uses and structures are as follows:

Retail, wholesale, personal and business services, offices and recreation uses and structures provided that such uses are combined and are grouped so as to be mutually compatible and contribute to efficiency and convenience of the district. The following is the listing of groupings of permitted principal uses and structures which might be considered compatible:

Local Business

Offices	Vegetable, fruit and/or grocery sales
Theaters, indoor	within a building not to exceed 2,500
Bank, financial	square feet in floor area

Auto Sales, Services

Auto repair garage
Automobile filling station
Auto parts, accessories
Trailer sales and service
New car dealership and service department with associated used car lot, provided that used car lots shall be located to the rear of the main showroom building

Tourist Service (as amended August 23, 1982)

Automobile filling station
Eating, drinking establishments
Laundromat
Theater, indoor

Convenience store, without gas pumps and if in compliance with Section 611 (approved March 17, 1986)

710.2.1 Permissible Principal Uses and Structures

In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception procedures, upon recommendation of the Planning Commission:

Recreational Vehicle Parks

Motel, hotel with location and site development criteria listed in Section 607.2.4 (amended August 23, 1982)

Convenience store, if the standards of Section 611 are not met and/or gas pumps are included as part of the operation (approved March 17, 1986)

710.3 Permitted Accessory Uses and Structures

Uses and structures which are customarily accessory and clearly incidental and subordinate to the permitted principal uses and structures including but not limited to:

- a. Parking lot, loading space
- b. Dwelling unit, provided that: such unit shall occur only in conjunction with any permitted principal use or structure; that only one dwelling unit per establishment may be provided; and that said dwelling unit may be occupied only by the owner/manager, resident manager, watchman, or caretaker of, said establishment.
- c. Enclosed storage areas

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710.4 Minimum Area of District

The minimum land area included in the establishment and maintenance of any single PD-CH district shall be five (5) contiguous acres.

710.5 Minimum Frontage Required on Primary Highways

The minimum frontage required for the establishment and maintenance of any single PD-CH district shall be 250 feet on a primary highway.

710.6 Utility Requirements

All principal buildings erected in any PD-CH district shall be served by public water and sewer facilities.

All utility lines located on PD-CH designated land shall be placed underground, where practicable.

710.7 Maximum Height Restrictions

Dwellings: 35 feet

Other buildings: 35 feet, provided that a building may be erected to a maximum height of one hundred feet if it is set back from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot of height that it exceeds the 35-foot limit. (Amended November 18, 1985)

710.8 Sign Limitations

All signs within any PD-CH district shall comply with Section 523.

710.9 Standard Ratios

710.9.1 Floor area ratio. The maximum total floor area permissible for individual lots shall not exceed .40 times the land area of the lot.

710.9.2 Maximum land coverage. Maximum land coverage by all buildings shall not exceed 25 percent of the land area of the individual lot.

710.9.3 Minimum landscaped open space. Appropriate landscaping, screening, and/or land treatment shall be required in the required side and rear yard area to buffer the commercial area from any areas adjoining residential districts without an intervening street or other permanent open space.

710.9.4 Minimum off-street parking space requirements. Off-street parking spaces shall be provided in all PD-CH districts, in relation to the net floor space provided in each principal structure, and in accordance with the following schedule:

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- 710.9.4.1 Retail - personal service establishments. In structures which house retail and/or personal service establishments, the rate shall be:
One parking space for each 187.50 square feet of net floor space
- 710.9.4.2 Business and professional office. In structures where business office and/or professional offices are located above the first floor level, the rate shall be:
One parking space for each 375.0 square feet of net floor space
- 710.9.4.3 Other uses as determined by the Planning Director in connection with the particular case; having bearing to similar uses with respect to this ordinance or to similar existing uses and/or practices.
- 710.9.4.4 Net floor space determination. In determining the net floor space for 710.9.4.1 - 710.9.4.3, above, the following exclusions for computation, purposes shall be allowed, whichever is the greater:
- a. 25% of the total gross floor space of the structure
 - or
 - b. The aggregate actual floor space of the following structural areas:
 - 1. Enclosed storage areas
 - 2. Access hallways
 - 3. Closets
 - 4. Stairwells
 - 5. Elevators
 - 6. Restrooms
- 710.9.5 Off-street loading space requirements. Off-street loading space shall be provided with area, location and design appropriate to the needs of the PD-CH district.
- 710.9.6 Use of off-street parking spaces. No space designated as off-street parking area to meet the requirements shall be used as an off-street loading space.
- 710.10 Site Planning - External Relationships
- 710.10.1 Orientation of permitted uses and structures. Commercial and service uses and structures and their

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parking areas shall be oriented toward major arterials, secondary arterials, or collector streets and away from adjacent minor streets in residential neighborhoods or from adjacent residential neighborhoods not separated from the district by streets.

- 710.10.2 Vehicular and pedestrian entrances and exits. Principal vehicular access for the general public shall be only from major arterials or secondary arterials. Vehicular access from minor streets through residential neighborhoods shall generally be avoided, and where permitted shall be so located, designed and controlled as to be primarily for convenience of residents of adjoining residential areas and not for general public access. Pedestrian access may be provided at any suitable locations within the district, but shall as a general rule be separated from vehicular access points in order to reduce congestion, marginal friction, and hazards.

At principal vehicular access points; service drives, turn-out lanes and merging lanes may be required by the Planning Commission, with length and width as appropriate to the anticipated flow of traffic. Traffic separation devices may be required by the Planning Commission at such entrances and exits and along service drives, turn-outs or merging lanes. Whether required or provided voluntarily, such service drives or turn-out and merging lanes may be included as part of the required yard adjacent to the collector street, secondary arterial or major arterial, except that no such service drive or lane, and no vehicular entrance or exit, shall run through any part of any required landscaped yard established as required in Section 710.9.3, above, or be in conflict with Article 5.

- 710.11 Site Planning - Internal Relationships

In general, the plan shall provide a unified and organized arrangement of buildings, service areas, parking and landscaped open space providing for maximum comfort and convenience of customers. Commercial buildings shall be so grouped in relation to parking areas that, after customers arriving by automobile enter the site, establishments can be visited with a minimum of internal automotive movement. Facilities and access routes for deliveries, servicing and maintenance shall so far as reasonably practicable be separated from customer access routes and parking areas.

Areas where deliveries are to be made to customers in automobiles, or where services are to be

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provided for automobiles, shall be so located and arranged as to prevent interference with pedestrian traffic within the center.

710.11.1 Minimum yard requirements

710.11.1.1 Front yards. No permitted principal or accessory structure all be located closer than 25 feet to the front property line.

710.11.1.2 Side and rear yards. When any PD-CH district adjoins any other commercial or industrial district, there shall be no minimum side and rear yard requirements.

710.11.1.3 Adjoining residential districts. When any PD-CH district adjoins any residential district, a minimum yard requirement of 100 feet shall be maintained along any side or rear lot line which adjoins a residential district, provided that driveways and off-street parking areas may be within 50 feet of a residential district.

710.11.1.4 Building separation. Unless buildings are built to a common wall, they shall be separated by a distance of not less than 5 feet.

710.11.1.5 Application of building code. Other than provided above, yards and building spacing inside the peripheral areas of the district shall be as required by the Building Officials' Conference of America, Inc. Abridged Building Code of the Building Conference of America, Incorporated (BOCA), 1960 addition, adopted November 1, 1961, or subsequent edition or Code adopted by the County of Loudoun.

711 PLANNED DEVELOPMENT - OFFICE PARK DISTRICTS - PD-OP

The following regulations and requirements shall apply to planned developments primarily for office park development on primary highways.

Notwithstanding other requirements and provisions of Article 700, Planned Development - Generally, Planned Development - Office Park districts hereby created shall be subject to requirements as to approval of site development plans and reports by the Planning Commission as for other planned developments, and related bonds, dedications, guarantees, agreements, contracts, and deed restrictions shall be approved by the Board of Supervisors before building permits may be issued.

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711.1 Planned Development - Office Park, Defined

A planned development - office park is a planned development primarily for administrative, business and professional offices and necessary supporting accessory uses and facilities, designed with a parklike atmosphere including extensive landscaping, low ground coverage by buildings, buildings of moderate height, and careful attention to such aesthetic considerations as location and size of signs, lighting, parking and service areas and the like. Such development shall occur in accordance with procedures and requirements established in this ordinance for Planned Development Districts - Generally and for PD-OP districts in particular.

711.2 PD-OP Districts Where Permitted

Planned Development - Office Park (PD-OP) districts may thereafter be established by amendment to the official zoning map in areas having the following characteristics:

On primary state highways

In areas served by public water and sewer facilities

In areas compatible with other commercial development

As envisioned in the Comprehensive Development Plan

711.3 Permitted Principal Uses and Structures

The following uses shall be permitted in any PD-OP districts, subject to the requirements and limitations of these regulations:

- a. Administrative and business offices
- b. Professional offices, including medical, dental and optical
- c. Structures and uses required for necessary operations of a public utility or necessary performance of a government function, except uses involving extensive storage

711.3.1 Permissible Principal Uses and Structures

In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception procedures, upon recommendation of the Planning Commission:

Recreational Vehicle Parks

711.4 Permitted Accessory Uses and Structures

In addition to the above, facilities planned for development as part of the district and serving needs not otherwise conveniently served in the general area may be permitted:

- (a) as part of plans approved by the Board of Supervisors of any PD-OP amendment, or
- (b) by special exception procedures at any time after PD-OP amendment, as follows:

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- a. Accessory uses and structures customarily incidental and subordinate to the above principal uses and structures. If in the same building with the permitted principal uses primarily served, and occupying in combination not more than 20% of the floor area of such building, the following accessory uses shall be permitted:

Eating and drinking establishments

News stands

Establishments for sale of office supplies and service of office equipment

Data processing services

Central reproduction and mailing services, and the like

In buildings containing medical, dental or optical offices or clinics, related ethical pharmacies, laboratories, and establishments for the production, fitting or sale of optical or prosthetic appliances. There shall be no visible evidence of the nature of such accessory commercial or service uses from any adjoining residential districts.

- b. Living quarters primarily for owners or employees of establishments within the district, if located and designed in a manner appropriate to the character of the district and to its efficient functioning.

711.4.1 Maximum coverage. Accessory uses exclusive of parking shall not occupy more than 5% of the land area of the individual lot, nor more than 10% of the total floor area permitted on the lot.

711.5 Minimum Area Required for Creation of District; for Lots in Districts

711.5.1 Minimum area required for creation of district. Minimum area required for creation of a PD-OP district shall be 5 acres, provided however that when an initial PD-OP district has been created, incremental additions to such district shall consist of not less than 3 acres.

711.5.2 Minimum area, individual lots in district. Where individual lots or buildings sites are provided for lease or sale, minimum area shall be one acre and minimum dimension of the buildable area remaining after yard requirements are met shall be 100 feet.

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711.6 Utility Requirements

All principal buildings erected in any PD-OP district shall be served by public water and sewer facilities.

All utility lines located on PD-OP designated land shall be placed underground, where practicable.

711.7 Maximum Height Restrictions

Dwellings: 35 feet

Other Buildings: 35 feet provided that a building may be erected to a maximum height of one hundred feet if it is set back from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions a distance of not less than two feet for each one foot of height that it exceeds the 35-foot limit.

Methods of computations and measurements shall be as noted in Section 520.

711.8 Sign Limitations

All signs within any PD-OP district shall comply with Section 523

711.9 Standard Ratios

711.9.1 Maximum Floor Area Ratio (Amended 12/21/87). Maximum total floor area permissible on an individual lot shall not exceed .40 times land area of the lot. However, the Board of Supervisors may permit a total floor area on an individual lot exceeding .40 times the land area of the lot as a part of approval of the Concept Development Plan concurrent with the PD-OP amendment or by amendment of an existing Concept Plan upon recommendation of the Planning Commission at any time after the PD-OP amendment provided the following criteria are met.

- a. The overall Floor Area Ratio for the planned development district does not exceed .40;
- b. The applicant submits a plan evidencing unified control and identifying proposed land uses, their location, and floor area ratios requested for specific land bays and their land area acreages;

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- c. The applicant, provides a traffic analysis that shows no deleterious effects to the local or regional road network as a result of the increased concentration of development.
- d. For any lot with a floor area ratio other than .4, which variation is approved as part of the Concept Development Plan, the floor area ratio shall be shown on the approved record plat and site plan for the lot.
- e. In the event the Concept Development Plan for the PD-OP development does not provide the information set forth in Section 711.9.1.b and c, the applicant may limit the development on an individual lot to an FAR of less than .4. Such a limitation shall be placed on the approved record plat and site plan for the lot. The Board shall consider this limitation for future transfer to another portion of the PD-OP development as part of a Concept Development Plan amendment to include the information in Section 711.9.1.b and c.

711.9.1.1 The limitations above shall not apply to parking and/or loading areas within buildings, which shall not be included as floor area for the purpose of these regulations.

711.9.2 Maximum land coverage by buildings. Maximum land coverage on any individual lot shall not exceed .20 times the land area of the lot.

711.9.3 Minimum landscaped open space. Minimum landscaped open space on any individual lot shall not be less than .20 times the land area of the lot. Such open space shall not be generally open to vehicles, and shall be landscaped and maintained in a manner appropriate to the park-like character of the district.

711.9.4 Minimum off-street parking requirements. One off-street parking space shall be provided for each 375 square feet of floor space within buildings excluding space within buildings used only for storage or for parking and loading, or for major heating or air conditioning equipment. All such spaces shall be within 500 feet, by normal pedestrian routes, of entrances to the buildings they are intended to serve or of covered walkways leading to such entrances. Spaces need not be on the building site or lot of said buildings, but shall be within the distance indicated above provided controls assure that all requirements will be satisfied. No parking shall be permitted in PD-OP districts except in approved off-street parking facilities.

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711.9.5 Off-street loading space requirements. Off-street loading space shall be provided with area, location and design appropriate to the needs of the PD-OP district.

No space designated as meeting off-street parking requirements shall be used as an off-street loading space.

711.10 Site Planning - External Relationships

Within any PD-OP districts, the site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, for appropriate relation to surrounding areas, and for smooth and convenient traffic flow within the district and at points of entry and exit. To promote park-like character within such districts, particular care should be taken to organize the landscaping plan in such a way as to maximize the visual effects of green spaces as seen from public ways. Landscaping or other devices shall be used to screen surrounding residential districts from undesirable views into the PD-OP districts and to screen the PD-OP districts from undesirable external exposures. In particular all service and loading areas shall be screened from view from public streets and from first floor windows in adjacent residential districts. Parking areas for more than ten automobiles shall, insofar as reasonably possible, be screened from similar view by landscaping, fences, walls or relation to buildings.

711.10.1 Minimum yard requirements.

711.10.1.1 Adjacent to public streets. No portion of any building shall be erected closer than 35 feet to any public street. No off-street parking shall be permitted within 25 feet of any public street. At least two-thirds of the areas of yards thus provided shall be in landscaped open space.

711.10.1.2 Adjacent to residential districts. No portion of any building on a site adjacent to a residential district boundary shall be closer to the residential district boundary than 100 feet, and no driveway or off-street parking or loading area shall be closer to the residential district boundary than 50 feet.

711.11 Site Planning - Internal Relationships - Yards Between Buildings

Where individual lots or building sites are provided for lease or sale, minimum distance between buildings on adjacent lots or building sites shall be 25 feet. Such yards may be used for driveways or parking, and covered entrances for passengers from automobiles may extend into such yards, but not closer than 5 feet to lot or building site lines. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such yards.

Where there is more than one building on an individual lot or building site, spacing between such buildings shall be as required for fire protection, but if space is left between buildings, it shall be at least 25 feet in minimum dimension. Covered walkways connecting buildings may traverse such space.

712 PLANNED DEVELOPMENT - SHOPPING CENTERS - PD-SC

712.1 Planned Development - Shopping Centers, Intent

This district (hereinafter referred to as PD-SC) is created to permit the development of neighborhood, community, and regional shopping centers in scale with surrounding market areas at locations recommended in the Comprehensive Development Plan, and in accordance with the standards set forth therein. These shopping centers shall serve areas not already conveniently and adequately provided with commercial and service facilities of the kind proposed. It is intended to permit the establishment of such districts only where planned centers with carefully organized buildings, service areas, parking areas and landscaped open space will clearly serve demonstrated public need, reduce marginal traffic friction below that which would result from strip commercial development along highways, and protect property values in surrounding neighborhoods. It is further intended that Planned Development - Shopping Centers shall provide a broad range of facilities and services appropriate to the general need of the area served as distinguished from PD-CH districts in which it is proposed to provide combinations of uses of a specialized nature.

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712.2 Permitted Principal Uses and Structures

Uses permitted shall include commercial and service establishments including automobile filling stations, serving the needs of the market area, provided, however, that the following shall not be permitted:

- a. Establishments primarily for the sale of used or second-hand merchandise
- b. Outdoor storage, sales, or display areas, except when enclosed by appropriate visual shieldings
- c. Self-service car wash
- d. Convenience store, unless in compliance with Section 611 (adopted March 17, 1986)

712.2.1 Parking garages or areas for transit commuters. As an accessory use, parking garages or areas for mass transit commuters may be permitted, but spaces for this purpose shall be provided in addition to the required parking spaces provided for above.

712.2.2 Permissible Principal Uses and Structures

In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception procedures, upon recommendation of the Planning Commission:

Recreational Vehicle Parks

Convenience store: If the standards of Section 611 are not met and/or gas pumps are included as part of the operation (adopted March 17, 1986).

712.3 Permitted Accessory Structures and Uses

In a PD-SC districts, accessory structures and uses other than for transit commuters shall be permitted only where said uses and structures are customarily accessory and clearly incidental and subordinate to the permitted principal use and structures.

712.4 Area Required for Creation of a PD-SC District

Minimum and maximum areas required for the creation of PD-SC districts shall be as follows:

	<u>Minimum</u>	<u>Maximum</u>
Neighborhood Center	4 acres	9 acres
Community Center	10 acres	30 acres
Regional Center	40 acres	

712.5 Utility Requirements

All structures developed in any PD-SC district shall be served wherever practicable by underground utility lines.

712.6 Maximum Height Permitted

Dwellings: 35 feet

Other Buildings: 35 feet provided that a building may be erected to a maximum height of one hundred feet if it is set back from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height

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restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot of height that it exceeds the 35-foot limit. (Amended November 18, 1985.)

712.7 Sign Limitations

All signs within any PD-SC district shall comply with Section 523.

712.8 Standard Ratios

712.8.1 Maximum floor area ratio. The total floor area of any structure or combination of structures on any lot in any PD-SI district shall not exceed .40 times the area of the lot. ("Buildable" deleted 2/6/864 [2/6/86])

712.8.2 Maximum lot coverage. No more than 20% of the area of any lot in the PD-SC district shall be occupied by structures. However, increases over 20% may be approved by the Board of Supervisors concurrently as a special exception and as part of approved plans for a PD-SC amendment, or by special exception procedures at any time after the amendment if the applicant:

1. Provides a landscaped setback of 20 feet in width along property lines abutting residential property or public streets fronting residential land, and park areas to accomplish the following objectives:
 - a. reduces the glare of headlights and stationary lights cast off site;
 - b. provides a buffer for noise traveling off site; and
 - c. softens the visual impact of shopping center, particularly parking and loading areas, as viewed from streets and adjacent properties.This width may be reduced to no less than 10 feet if intensive landscape treatment such as hedges, decorative walls, or berms accomplish the above objectives to the same degree as the greater width.
2. Provides a pedestrian circulation plan that includes walkways, crosswalks, and traffic control devices that create safe and convenient pedestrian paths from all parking areas to shopping areas and which may further include mall areas and other internal pedestrian walkways. Such improvements shall be in accordance with Section 7.200 A.and B. of the Facilities Standards Manual and shall accomplish the following:
 - a. minimizes points of conflict between pedestrians and moving motor vehicles.
 - b. channelizes pedestrian flows to crossing areas and provides well defined paths across major cartways, such as striping and signage; and
 - c. connects internal pedestrian walkways to existing and future off site walkways.
3. Provides a vehicular circulation plan that minimizes direct vehicular access to parking stalls from major cartways, and provides other improvements that enhance circulation such as firelanes, or off-site improvements that further reduce friction between the project and adjoining streets. (712.8.2 amended by Board of Supervisors April 7, 1986.)

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- 712.8.3 Minimum landscaped open space. Minimum landscaped open space on any individual of shall not be less than .20 times the buildable area of the lot. Such landscaped open space shall not be generally open to vehicles, and shall be used in part, to buffer and shield adjoining residential districts from adverse effects of shopping center operations.
- 712.8.4 Off-street parking requirements. Off-street parking spaces shall be provided in all PD-SC districts, in relation to the net floor space provided in each principal structure, and in accordance with the following schedule:
- 712.8.4.1 Retail - personal service establishments. In structures which house retail and/or personal service establishments, the rate shall be:
- One parking space for each 187.50 square feet of net floor space
- 712.8.4.2 Business, professional offices. In structures where business offices and/or professional offices are located above the first floor level, the rate shall be:
- One parking space for each 375.0 square feet of net floor space
- 712.8.4.3 Net floor space determination. In determining net floor space, the following exclusions shall be allowed; whichever is the greater:

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- a. 25% of the total gross floor space of the structure
- b. The actual floor space of the following structural areas:

- Enclosed storage areas
- Access hallways
- Closets
- Stairwells
- Elevator shafts
- Restrooms

712.8.5 Off-street loading space requirements. Off-street loading space shall be provided with area, location and design appropriate to the needs of the PD-SC district.

No space designated as required off-street parking area for the general public shall be used as an off-street loading space.

712.9 Shape of PD-SC Districts

The shape of the district shall be suitable for the type of development proposed and shall facilitate safe and convenient ingress and egress as well as vehicular and pedestrian circulation within the district.

712.10 Access

712.10.1 General requirements. PD-SC districts shall have frontage and access to Class I or Class II roads, in accordance with the following minimum standards:

712.10.2 Neighborhood center. Within a neighborhood at intersection of primary highways, collector streets and/or local streets. Property should be accessible to a pedestrian system and be in close proximity to the clientele.

712.10.3 Community center. Within a community at intersection of primary highways, urban feeder roads and/or collector roads.

712.10.4 Regional center. At or near major intersection of primary roads which serve the region.

712.11 Site Planning - External Relationships

Commercial and service uses and structures and their parking areas shall be oriented toward major arterials, secondary arterials, or collector streets

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and away from adjacent minor streets in residential neighborhoods or from adjacent residential neighborhoods not separated from the district by streets.

Landscaping or other devices shall be used to screen surrounding residential districts from undesirable views into the PD-SC districts and to screen the PD-SC districts from undesirable external exposures. In particular all service and loading areas shall be screened from view from public streets and from first floor windows in adjacent residential districts. Parking areas for more than ten automobiles shall, insofar as reasonably possible, be screened from similar view by landscaping, fences, walls or relation to buildings.

712.11.1

Vehicular and pedestrian entrances and exits. Principal vehicular access for the general public shall be only from major arterials or secondary arterials. Vehicular access from minor streets through residential neighborhoods shall generally be avoided, and where permitted shall be so located, designed and controlled as to be primarily for convenience of residents of adjoining residential areas and not for general public access. Pedestrian access may be provided at any suitable location within the district, but shall as a general rule be separated from vehicular access points in order to reduce congestion, marginal friction, and hazards.

At principal vehicular access points, service drives, turn-out lanes and merging lanes may be required by the Planning Commission, with length and width as appropriate to the anticipated flow of traffic, and traffic separation devices may be required by the Planning Commission at such entrance and exits and along service drives, turn-outs or merging lanes. Whether required or provided voluntarily, such service drives, or turn-out and merging lanes may be included as part of the required yard adjacent to the collector street, secondary arterial or major arterial except that no such service drive or lane, and no vehicular entrance or exits, shall run through any part of any required landscaped yard, or be in conflict with Section 512.

712.12

Site Planning - Internal Relationships

Commercial buildings shall be so grouped in relation to parking areas that after customers arriving by automobile enter the center, establishments can be visited with a minimum of internal automotive movement. Facilities and access routes for shopping center deliveries, servicing and maintenance shall, so far as reasonably practicable, be separated from customer access routes and parking areas.

Areas where deliveries to customers in automobiles are to be made or where services are to be provided for automobiles, shall be so located and arranged as to prevent interference with pedestrian traffic within the center.

720 PLANNED DEVELOPMENT - INDUSTRIAL DISTRICTS, GENERALLY

Planned Development - Industrial (PD-I) districts, (PD-AI, PD-GI, PD-IP, PD-SA), as described below by sub-categories and intent, are limited and regulated as follows:

Notwithstanding the requirements and provisions of Section 700, Planned Development - Generally, where industrial districts have been established prior to the adoption of this ordinance such districts so designated shall be considered to have been established as I-1, PD-AI, PD-IP, and/or PD-GI districts under this ordinance, and shall be so designated on the zoning map with appropriate indication as to the current sub-classification of such district.

Notwithstanding the requirements and provisions of Section 700, Planned Development - Generally, Planned Development - Industrial districts hereby created shall be subject to requirements as to approval of site development plans and reports by the Planning Commission as for other planned developments, and related bonds, dedications, guarantees, agreements, contracts, and deed restrictions shall be approved by the Board of Supervisors before building permits may be issued.

720.1 Permitted Accessory Uses and Structures

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted and permissible uses and structures provided that no accessory building shall be constructed until construction of the principal building has actually begun and no accessory building shall be used until the principal building is completed and in use:

- 720.1.2 Dwelling units, but only in connection with bona fide agriculture uses. Such dwelling units may only be occupied by persons employed on the premises or by the owner/resident manager of the farm properties. Existing non-conforming single family dwelling units may be expanded or enlarged for single family residential purposes. July 19, 1982

720.2 Standard Ratios

- 720.2.1 Floor area ratio. Maximum total floor area permissible for individual lots shall not exceed .40 times the land area of the lot.

The limitations above shall not apply to parking or loading areas within buildings, which shall not be included as floor area for the purposes of these regulations.

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720.2.2 Maximum land coverage by buildings. Maximum land coverage within the districts, or on any building site or lots within the district shall not exceed .45 times the area of the district or of the building site or lot, as applicable.

720.2.3 Minimum off-street parking requirements. One off-street parking space shall be provided for each employee on the major work shift. Where more than one work shift is employed, one and one-fourth off-street parking spaces shall be provided for each employee on the major work shift. Office buildings shall provide off-street parking in accordance with the following: One off-street parking space shall be provided for each 375 square feet of floor area within buildings, excluding space within buildings used only for storage or for parking and loading, or for major heating or air conditioning equipment. All such off-street parking spaces shall be within 500 feet, by normal pedestrian routes of entrances to the buildings they are intended to serve or of covered walkways leading to such entrances. Spaces need not be on the building site or lot of said building but shall be within the distance indicated above.

No parking shall be permitted except in approved off-street parking facilities.

720.2.4 Minimum off-street loading space requirement. Spaces for truck loading/unloading and for parking of owned or leased trucks used by operators of principal uses shall be provided on the basis of anticipated traffic and vehicle types. Spaces for such truck parking shall be separate and distinct from required off-street parking for employees and visitors and shall be so arranged as not to interfere with internal or external traffic circulation related to the district or building site or lot.

720.3 Height Limitations

Other Buildings: 35 feet provided that a building may be erected to a maximum height of one hundred feet if it is set back from public streets or from lot lines that do not constitute boundaries of districts with lower maximum height restrictions, in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot of height that it exceeds the 35-foot limit: (Adopted November 18, 1985.)

Additional height limitations for areas of districts or building sites or lots directly under the airport runway flight path shall be determined by the Zoning Administrator following receipt of recommendations from the Federal Aviation Administration.

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720.4 Performance Standards

Performance standards and performance standard measurements shall be made as provided in Section 535.

720.5 Sign Limitations

Sign regulations shall be as prescribed in Section 523.

720.6 Site Planning - External Relationships

Site planning within the district shall provide for protection of individual lots from adverse surrounding influences, and for protection of surrounding areas from adverse influences existing within the district. In particular:

720.6.1 Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Left hand storage and right hand turn lanes and/or traffic dividers shall be required by the Planning Commission where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic.

720.6.2 Yards, fences, walls or vegetative screening shall be provided where needed to protect residential districts or public streets from undesirable views, lighting, noise or other off-site influences. In particular, outdoor storage, extensive off-street parking areas and service areas for loading and unloading vehicles and for storage and collection of refuse and garbage shall be effectively screened.

720.7 Special Exceptions in Planned Development - Industrial Districts, Generally

Wherever permissive or special exception uses and structures are permitted in PD-I Districts, the following procedures shall apply:

720.7.1 In cases where the application for special exception is part of a PD-I district amendment, the special exception application shall be reviewed by the Planning Commission, who shall forward its recommendation on the Special Exception to the Board simultaneously with its district amendment recommendation.

720.7.2 In cases where the application for special exception occurs after PD-I amendments, the Zoning Administrator shall file the application directly with the Board of Supervisors for final disposition, as provided elsewhere in this Ordinance.

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721 (PD-AI District was rezoned to PD-IP and PD-GI by the Loudoun County Board of Supervisors in June, 1977)

722 PLANNED DEVELOPMENT - INDUSTRIAL PARK - PD-IP

722.1 Planned Development - Industrial Park, Defined

Planned Development - Industrial Park districts, hereinafter called PD-IP, are defined for the purposes of these regulations as a planned development (as defined generally in Section 700) primarily for light and medium industrial uses. PD-IP districts are further defined as areas devoted to industrial uses which present an attractive appearance and complement surrounding land use character by means of appropriate siting of building and service areas, and landscape treatment.

722.2 PD-IP Districts - Intent, Where Permitted

PD-IP districts are hereby created and may hereafter be established by amendments to the official zoning map in accordance with the provisions generally for PD districts in Section 700 and Article 12. It is intended that PD-IP districts will be in locations previously designated as I-R and I-P and in locations designated generally for industry in accordance with the proposed industrial development element of the Comprehensive Development Plan. It is intended that PD-IP districts may be established in areas having all of the following characteristics:

- Areas served by water and sewer facilities
- Areas served by one or more major highways
- Areas having clearly demonstrated suitability for intended uses insofar as physical characteristics and relationship to surrounding development

722.3 Permitted and Permissible Principal Uses and Structures

722.3.1 Permitted principal uses and structures. The following uses shall be permitted in any PD-IP district subject to the requirements and limitations of these regulations:

- Agricultural, forestry, fisheries and commercial nurseries (amended 1979)
- Research, experimental, testing, and development activities.

Trans-shipment Facilities. (As amended June, 1977 and August 23, 1982).

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Manufacture, processing, fabrication, assembly, distribution of products such as, but not limited to:

Scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceuticals, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery.

722.3.2 Permissible principal uses and structures: In addition to the permitted principal uses and structures indicated above the following uses may be permitted by the Board of Supervisors: (a) as part of a PD-IP amendment, or (b) by special exception procedures at any time after PD-IP amendment, provided that such uses clearly demonstrate similarity to characteristics of permitted principal uses and comply with requirements of determinations concerning unspecified uses, Section 501.1:

Private or commercial airport, heliport
Warehousing
Commercial office buildings
Sewage disposal, water treatment plants
Temporary construction headquarters, temporary equipment and materials storage
Public utility, communications and transmission
Recreational facilities (1/18/77)
Uses auxiliary to permitted and principal uses, such as, but not limited to, Restaurants (excluding drive-in eating establishments), Personal Services, Banks and Financial Institutions and Automobile Service Stations. (as amended in June, 1977)

Churches: subject to the following performance standards:

1. Parking standards shall include 1 parking space for every 4 seats in the main auditorium.
2. Church uses must comply with all other performance standards for the PD-IP and PD-GI districts, i.e. access, landscaping, buffering, signs, etc.
3. All church uses must comply with BOCA and Virginia Uniform Building Code requirements for construction.
(BOS approved 12-19-89)

722.3.2.1 Permissible Principal Uses and Structures: In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception procedures, upon recommendation by the Planning Commission:
Recreational Vehicle Parks
Motels, hotels with location and site development criteria listed in Section 607.2.4. (Approved Aug. 23, 1982)

722.4 Minimum Area Required for Creation of Districts; for Lots in Districts

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- 722.4.1 Minimum area required for creation of districts.
Minimum area required for creation of a PD-IP district shall be 20 acres, provided however that when an initial PD-IP district has been created, incremental additions to such district shall consist of not less than 5 acres.
- 722.4.2 Minimum area individual lots in district. Where individual lots or building sites are provided for lease or sale, minimum area required shall be 1 acre and minimum dimensions of the buildable area remaining after yard requirements are met shall be 100 feet.
- 722.5 Minimum Landscaped Open Space. Minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. Such landscaped open space shall be generally open to vehicles, and shall be used to enhance the appearance of the lot.
- 722.6 Minimum Yard Requirements
- 722.6.1 Adjacent to public streets. No portion of any building shall be erected closer than 50 feet to any public street. No off-street parking or loading space shall be permitted in areas between buildings and public streets where vehicles in such spaces would be visible from said public streets.
- 722.6.2 Adjacent to residential districts. No portion of any building shall be erected closer than 75 feet to any residential district boundary, and no off-street parking or loading space shall be closer than 60 feet to any residential district boundary.
- 723 PLANNED DEVELOPMENT - GENERAL INDUSTRIAL - PD-GI
- 723.1 Planned Development - General Industrial, Defined

Planned Development - General Industrial districts, hereinafter called PD-GI, are defined for the purposes of these regulations as a planned development (as defined generally in Section 700) primarily for medium industrial uses. PD-GI districts are further defined as including selected uses formerly permitted within the I-1 district.

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723.2 PD-GI Districts - Intent, Where Permitted

PD-GI districts may hereafter be established by amendments to the official zoning map in accordance with the provisions generally for PD districts in Section 700 and Article 12. It is intended that PD-GI districts will encompass a variety of uses which have public nuisance potential and will therefore be subject to sensitive review for locational impact on surrounding land uses and environment.

PD-GI districts may be established in locations in accordance with the proposed industrial development element of the Comprehensive Development Plan. Locations of PD-GI districts shall also have the following characteristics:

Areas directly served by a major highway or secondary road

improved to standards approved by the County Engineer

Areas either served by public water and sewer or meeting

applicable requirements and recommendations of the Loudoun County Department of Health

Areas having clearly demonstrated suitability for intended uses insofar as physical characteristics and relationship to surrounding development

723.3 Permitted and Permissible Principal Uses and Structures

723.3.1 Permitted principal uses and structures. The following uses shall be permitted in any PD-GI district subject to the requirements and limitations of these regulations:

Agricultural, forestry, fisheries, arid commercial nurseries (1979)
Research, experimental, testing, and development activities
Manufacture, processing, fabrication, assembly, distribution
of products such as, but not limited to:

Scientific and precision instruments, photographic equipment, communication, computation equipment, drugs, medicines, pharmaceuticals, household appliances, toys, sporting and athletic goods, die-cut paperboard and cardboard, glass products made of purchased glass, electric lighting and wiring equipment, service industry machines, lithographic and printing processes, industrial controls, radio and TV receiving sets, watches and clocks, bags and containers, sanitary paper products, optical goods, electrical machinery, mobile homes, prefabricated and modular housing and components, dairy products, feed and grain, baked and confectioners' goods, farm machinery, fruit and vegetable processing, canning, storage

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Dry cleaning plant
Commercial repair garage
Commercial greenhouse
Frozen food locker and ice manufacturing
Radio and television broadcasting, relay stations
Warehousing
Commercial office building

723.3.2 Permissible principal uses and structures. In addition to the permitted principal uses and structures indicated above, the following uses may be permitted by the Board of Supervisors: (a) as part of a PD-GI amendment, or (b) by special exception procedures at, any time after PD-GI amendment, provided that such uses clearly demonstrate similarity to characteristics of permitted principal uses and comply with requirements of determinations concerning unspecified uses, Section 501.1:

Private or commercial airport, heliport.
Automobile graveyard, junk yard.
Borrow pit for road construction.
Yard for storage of coal, lumber, building materials,
contractors' equipment.

Bulk storage of gasoline, petroleum products, natural gas
Livestock sales and auctions
Sewage disposal, water treatment plants
Public utility communications and transmission facilities
Asphalt Mixing Plant - July 19, 1992
Concrete mixing Plant (Approved by BOS 4/16/84).

Churches: subject to the following performance standards:

1. Parking standards shall include 1 parking space for every 4 seats in the main auditorium.
2. Church uses must comply with all other performance standards for the PD-IP and PD-GI districts, ie. access, landscaping, buffering, signs, etc.
3. All church uses must comply with BOCA and Virginia Uniform Building Code requirements for construction. (BOS approved 12-19-89)

723.3.2.1 Permissible Principal Uses and Structures: In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception procedures, upon recommendation of the Planning Commission:

Recreational Vehicle Parks

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723.4 Minimum Area Required for Creation of District; for Lots in Districts

723.4.1 Minimum area required for creation of district. Minimum area required for creation of a PD-GI district shall be 5 acres, provided however that when an initial PD-GI district has been created, incremental additions to such district shall consist of not less than 5 acres.

723.4.2 Minimum area, individual lots in district. Where individual lots or building sites are provided for lease or sale, minimum area required shall be 1 acre and minimum dimensions of the buildable area remaining after yard requirements are met shall be 100 feet.

723.5 Minimum Landscaped Open Space and Buffering/Screening

Minimum landscaped open space on any individual lot shall not be less than .10 times the buildable area of the lot. Buffering and screening devices shall be erected and maintained along property boundaries bordering any residential district or public street whenever a permitted or permissible principal use of permitted accessory use involves outdoor or unenclosed storage of raw materials, products, equipment, or inoperable vehicles. Said buffering and screening devices shall be erected and arranged so as to provide an effective visual barrier.

723.6 Minimum Yard Requirements

723.6.1 Adjacent to public streets. No portion of any building shall be erected closer than 35 feet to any public street.

723.6.2 Adjacent to residential districts. No portion of any building shall be erected closer than 100 feet to any residential district boundary, and no off-street parking or loading space shall be closer than 50 feet to any residential district boundary.

724 PLANNED DEVELOPMENT - SPECIAL ACTIVITIES - PD-SA

724.1 Planned Development - Special Activities, Defined

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Planned Development - Special Activities districts, hereinafter referred to as PD-SA, are defined for the purposes of these regulations, as a planned development (as defined generally in Section 700) primarily for industrial, commercial/industrial or other special activities of a select nature which functionally require separation from normal residential, commercial, or industrial development.

724.2 PD-SA Districts - Purpose

The purpose of the PD-SA districts is to provide areas for certain activities which have common characteristics in respect to site requirements, compatibility of operation, and access requirements.

724.3 PD-SA Districts, Where Permitted

It is the intent of this article that PD-SA districts be established in areas having the following characteristics

- Areas served by water and sewer facilities
- Areas served by one or more major highways
- Areas having clearly demonstrated suitability for intended uses insofar as physical characteristics and relationship to surrounding development are concerned

724.4 Permitted Principal Uses and Structures

The following uses shall be permitted in any PD-SA district subject to the requirements and limitations of these regulations:

- Amusement park, of a permanent nature
- Eleemosynary or philanthropic institutions
- Industrial, scientific and technical expositions of a permanent character
- Museum, zoological park, and/or arboretum
- Permanent fairgrounds
- Permanent race track
- Private educational institutions
- Sports stadium, arena and/or sports fields

724.5 Permissible Principal Uses and Structures

In addition to the permitted principal uses indicated above the following uses may be permitted by the Board of Supervisors: (a) as part of a PD-SA amendment, or (b) by special exception procedures at any time after PD-SA amendment, provided that such uses clearly demonstrate a supporting or complementary function related to the permitted principal use or to a pre-existing use as permitted under Section 720 above. More specifically such uses may include:

- Sewage disposal, water treatment plants
- Communication and public utility services incidental to

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efficient service for permitted principal uses in a PD-SA district. Motels, hotels, with location and site development criteria listed under Section 607.2.4 (as amended August 23, 1982).

724.5.1 Permissible Principal Uses and Structures

In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by special exception procedures, upon favorable recommendation of the Planning Commission:

Recreational Vehicle Parks

724.6 Minimum Area Required for Creation of District, for Lots in District

724.6.1 Minimum area required for creation of districts.

The minimum area required for creation of a PD-SA district shall be 100 contiguous acres. Incremental additions to such districts shall consist of not less than 10 acres. Said additions may be added to an existing PD-SA district provided that the addition is consistent with the final plan, and is adjacent, or forms a logical addition to the existing district. The procedure for an addition is the same as if an original application were filed, and all of the requirements of this article shall apply except the minimum requirement of 100 acres.

724.6.2 Minimum area, individual lots in district.

Where individual lots or building sites are provided for lease or sale, minimum area required shall be 1 acre, and minimum dimensions of the buildable area remaining after yard requirements are met shall be 100 feet.

724.7 Minimum Landscaped Open Space

Minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot.

724.8 Minimum Yard Requirements

724.8.1 Adjacent to public streets. No portion of any principal building shall be erected closer than 100 feet to a primary highway or 50 feet to any secondary road (as defined by the Virginia Department of Highways). No off-street parking or loading space shall be permitted in areas between buildings and public streets where vehicles in such spaces would be visible from said public streets.

724.8.2 Adjacent to residential districts. No portion of any building shall be erected closer than 100 feet to any residential district boundary and no off-street parking or loading space shall be closer than feet to any residential district boundary.

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725 PLANNED DEVELOPMENT-RESEARCH AND DEVELOPMENT PARK (PD-RDP)

725.1 PURPOSE AND INTENT

Herein a Research and Development Park is a planned industrial park with a comprehensive plan, which is designed to insure compatibility between the land-use activities therein and the existing activities and character of the community in which the facility is located. Such a park must be of sufficient size and suitably zoned to protect the area surrounding it from being devoted to lower uses.

The district objectives are to:

- a. Provide an opportunity for an industrial development character which allows the mixing of research and development firms, office complexes, certain types of manufacturing, and interrelated land uses;
- b. Encourage linked industries to cluster in a section of the employment center. It is intended that the PD-RDP Districts may be established in areas consistent with the County's Comprehensive Plan and designated *for keynote employment and located in a Highway Transportation Improvement District as provided for in title 15.1 Chapter 32.1 of the Code of Virginia.*
- c. Allow a floor area ratio (FAR) of up to .60 for a district if specific guidelines contained herein are achieved to the satisfaction of the Board of Supervisors;
and
- d. Allow an applicant/landowner to construct buildings in excess of the .60 FAR within the *district*; however, the overall district FAR *approval cannot exceed .60.*

LOCATION

PD-RDP Districts shall be located within a Highway Transportation District and within a keynote employment area as designated in the County's Comprehensive Plan.

725.2 PERMITTED PRINCIPAL USES AND STRUCTURES

- a. Business, professional, and non-profit organization offices.
- b. Cultural centers, museums, and similar facilities.
- c. Educational institutions of higher learning above the secondary level, both public and private.
- d. Federal, State, and local governmental offices.
- e. Research, experimental, testing, and development activities where manufacturing, fabrication, production, testing, repair, storage, sale, or resale of materials, goods, and products are incidental to the principal use of research, development, and training.
- f. Restaurants.

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- g. Light manufacturing incidental to research and development activities which serve as an ancillary and interrelated component of the park.
- h. Commercial operation of recreational services.
- i. Hotels and conference centers which serve as an ancillary and interrelated component of the park.
- j. Personal service establishments.

725.3 SPECIAL EXCEPTION USES AND STRUCTURES

The following uses and structures may be permitted by the Board of Supervisors as part of approved plans for any PD-RDP amendment or by special exception at any time after an amendment:

- a. Automobile service station.
- b. Heliport.
- c. Public utilities.
- d. Increases in Maximum Building Height Regulations (reference Section 725.5.d).
- e. Floor Area Ratio (FAR) increases (reference Section 725.5.e).

725.4 PERMITTED ACCESSORY USES AND STRUCTURES

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures are allowed.

725.5 DEVELOPMENT STANDARDS AND GUIDELINES

Any application may request for consideration modifications of building, setback, parking, loading, landscaping, and other standards contained herein except FAR and other standard ratios reflected in subsection e.

- a. Minimum Area Required for Creation of a District: 20 acres, provided, however, that when an initial PD-RDP district has been created, incremental and contiguous additions to such a district shall consist of not less than 5 acres. Incremental zoning amendment changes must demonstrate their relationship and compatibility with the approved concept plan and design of the specific district to which it is being added. This information must be included in the additional application requirements identified in Section 725.8 herein.
- b. Minimum Area for Individual Lots: 2 acres, with a minimum lot width of 200 feet fronting on a public street.
- c. Minimum Building Setbacks: within the referenced setbacks, parking and loading areas cannot be located unless otherwise stated. Unused setback areas must be stabilized and landscaped in accordance with requirements contained in the Zoning and Land Subdivision and Development Ordinances. The minimum setbacks are:

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1. Front: 50 feet.
 2. Rear: 60 feet. Parking and loading may be allowed in the setback area, but must be set back 20 feet from the rear property line.
 3. A 100-foot building setback shall be required from any boundary with a residential zoning district. Parking and loading may be allowed in the setback area, but must be set back 50 feet from the residential district's property line.
 4. A 100-foot building setback shall be required from the rights-of-way of a freeway or major arterial located outside the research and development park's boundary. Parking may be allowed in the setback area, but must be set back 50 feet from the rights-of-way.
- d. Maximum Building Height Limitation: 85 feet. However, the maximum building height may be increased through special exception procedures provided two additional feet are added to each of the required yard setbacks for each additional foot of building height construction over the maximum building height permitted.

A special exception for an increase above the maximum building height regulations may be submitted for Board of Supervisors consideration pursuant to the following guidelines:

1. An increase in height may be approved only where such will be consistent with the policies embodied in the adopted Comprehensive Plan.
 2. An increase in height may be approved only in those locations where the resultant height will not be detrimental to the character and development of adjacent lands.
 3. An increase in height may be approved only in those instances where the remaining regulations for the zoning district can be satisfied.
- e. Standard Ratios: Maximum Floor Area Ratio (FAR): The *allowed* FAR shall not exceed 0.40 times the land area of the lot, unless allowed by the Board of Supervisors in an approved concept plan; reference Section 725.8.a.3. This limitation shall not apply to parking and/or loading area within buildings, nor shall it apply to those portions of a building located below grade which are permanently designated for storage, mechanical equipment or machinery and equipment used in conjunction with an electronic data processing system. These uses shall not be included in the floor area calculations for the purpose of these regulations. 100-Year Flood Plain acreage must also be excluded from the total land area.

However, increases up to a maximum of 0.2 in the FAR may be approved by the Board of Supervisors, *for a maximum district FAR of 0.6*, concurrently as a special exception, and as part of approved plans for any PD-RDP amendment, or by special exception procedures at any time after an amendment if the applicant:

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- o Provides commensurate public land dedication and/or improvements whose need is generated substantially by the project's increase in development intensity. Such improvements shall include, but not be limited to, fire and rescue facilities and equipment, roads, sewer and water, public open space and their dollar values shall be noted.
- o Consideration for increases in FAR will also be provided for public land dedications and off-site road improvements in excess of the established need generated by the proposed project, as well as financial contributions toward, or the actual acquisition and deeding of conservation easements to the County for important land resources outlined in the adopted Rural Land Management Plan.

Additionally, the maximum FAR on any individual lot within a district may be as much as 1.0, provided that the project is in conformance with all other regulations of this District. Increases of FAR above 1.0 on any individual lot may be permitted by special exception from the Board of Supervisors upon a finding that the intent of the PD-RDP District and the specific objectives of the district are furthered by such an increase.

- o *At a minimum, the applicant shall identify the amount of increased FAR above .40 in 100,000 square foot increments, and shall identify and propose the land or infrastructure improvements necessary to offset the impact of the density increment on the County's transportation, open space, and infrastructures.*
- f. LOADING AREAS: No loading area shall be permitted within the required yard of any building. All loading shall be placed at the rear or side of the building. These areas shall be screened from view of adjoining land not in the PD-RDP District and from public streets.
- g. OUTDOOR STORAGE:
 - 1. No storage of any kind shall be permitted at any time within the front yard of any lot.
 - 2. Underground bulk storage of gasoline or petroleum products shall not be permitted except for automobile service stations or as incidental to manufacturing and research and development operations or the servicing of company owned or leased vehicles within enclosed areas defined in g.3.
 - 3. Outdoor storage of materials, equipment, or vehicles shall be permitted within enclosed areas which are composed of masonry walls, plantings, or other suitable barriers approved by the Zoning Administrator. If the existing research and development park's covenants are more restrictive, then such covenants must be enforced however, by the park's association or management.
 - 4. Open storage of waste materials and containers and the burning of waste materials are prohibited.

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725.6 PARKING

The District is also subject to the parking and loading requirements listed in Section 720.2.3 (Minimum Off-Street Loading space Requirements) and Section 720.2.4 (Minimum Off-Street Loading Space Requirements).

725.7 MINIMUM LANDSCAPED OPEN SPACE

Minimum landscaped open space on any individual lot shall not be less than .20 times the buildable area of the lot. Such landscaped open space shall not be generally open to vehicles, shall be used to enhance the appearance of the lot, and must meet the requirements contained in the Land Subdivision and Development Ordinance.

725.8 INFORMATIONAL REQUIREMENTS

- a. The PD-RDP application will include the following additional information and materials:
 1. Legal description of the total site, including a statement of present ownership and existing zoning.
 2. A statement of the planning purposes to be achieved by the proposed PD-RDP zoning district.
 3. Concept plan, supporting maps, and analyses:
 - (a) Existing conditions:
 - (1) Public facilities and services;
 - (2) Existing zoning within a mile radius of the project's boundaries;
 - (3) Site analyses to include: archaeological and historic sites; vegetation; topography, geology; hydrology, soils; airport noise zones (if applicable); the existence and location of the habitat of any rare or endangered species of fauna and flora; and a site development constraints and potential composite map.
 - (b) Proposed Land Use Plan. Such a plan will identify:
 - (1) Proposed land uses and their locations, and floor area ratios requested for specific parcels and their land area acreages;
 - (2) Road network;
 - (3) Proposed lot and/or block designs drawn to scale.
 - (4) Location and acreage of open space and land to be dedicated for public purposes;

- (5) A general landscape plan which focuses on the general location and type of landscaping to be used (trees, plants, berming) within the project, as well as the special buffering treatment between proposed project land uses and adjacent zoning districts;
 - (6) Location of utilities and general drainage; and
 - (7) Organization of site into specified development phases.
 - (8) *For the purpose of this Ordinance, Research and Development is defined as basic and applied research directed toward the discovery, invention, design, or development of new products and processes. For all Research and Development uses, the applicant shall define the nature, scale and intensity of the proposed research and development.*
 - (9) *For proposals including uses other than Research and Development, the applicant shall provide a detailed development plan identifying the location, arrangement, and extent of such structures and uses, and justifying their relation to each other, and to the purpose of the Research and Development district.*
- c. *For any application proposing an increase in floor area ratio above 0.40, the applicant shall provide graphic presentations and/or models at an appropriate scale showing the location and scale of structures, open space, parking areas, and other features.*
4. Transportation Analysis. The applicant shall be required to prepare such a study, which will include at a minimum:
- (a) Base Conditions: Existing conditions and traffic volumes for the external road network serving the site shall be identified.
 - (b) Projected conditions: Based on the land uses within the project and outside, traffic volumes shall be projected (internal and external). Trip generation rates for morning and evening peak hours of the project shall be prepared, as well as the internal/external trip distribution and intersection analyses.
 - (c) Impacts: The analyses shall demonstrate the adequacy of the project's internal road network and identify offsite access or traffic control measure improvements generated exclusively by the traffic demands of the proposed project.

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- (d) Recommended Internal and Offsite Road Improvements:
Examples of items which should be included in this section are:
(1) typical sections for each project street category; and (2) a phasing plan which delineates the public transportation improvements that will be provided simultaneously with the construction of each development phase, rights-of-way dedication, and cash escrow accounts for other improvements needed in the future. Such accounts shall be developed via a joint agreement between the applicant, County, and VDH&T.

(Section 725 adopted by the Board of Supervisors January 21, 1986, and amended on August 2, 1989); Amended portions of the text are in italics.

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730 Highway Corridor Protection (Hw) District - Added November 2, 1981

730.1 Intent and Establishment of District

730.1.1 Intent

It is the intent of this section to establish a Highway Corridor Protection District, hereafter designed as Hw, to coordinate land development along the primary and major secondary highways in such a manner as to: (1) reduce the incidence of strip commercial development, (2) to plan for central access points, (3) to assure adequate area for highway and/or interchange improvements and construction, (4) to reduce visual distractions for motorists, (5) to conserve environmental and open space resources, and (6) to lessen noise and other health impacts on persons within highway corridor areas.

730.1.2 Establishment of Districts

In establishing the district by zoning map amendment, the Board of Supervisors, as provided for in Article 12, may create HW districts along certain highway rights-of-way within the County when it finds: that development may increase danger and congestion due to increased turning movements; or that development may require exits and entrances to such a highway; or that development may impede rather than facilitate the establishment of safe, convenient, attractive and harmoniously designed communities or commercial industrial centers.

730.2 Effect of Hw District on Existing Zoning Classifications and Uses

The Hw district shall be an overlay zoning district and as such shall be in addition to existing zoning. The regulations of the underlying district shall apply except as provided for in this section.

The primary effect of the application of this district will be to modify the building setback line required by the underlying district, based upon the purposes of this ordinance by providing for safe, well designed and attractive development.

730.3 Permitted Principal Uses

The following uses are allowed when permitted within the underlying zoning district and according to those and other County regulations and ordinances.

1. Agriculture, forestry and fisheries.
2. Non-commercial recreational uses related to outdoor recreation.

3. Access drives and frontage roads designed to serve adjacent residential, commercial and industrial areas in a coordinated manner.
4. Landscaping and yard areas required by uses located in the adjacent districts.

730.4 General Regulation

In all commercial and/or industrial districts, the usable floor area of structures and uses which would otherwise be permitted in the underlying zoning district affected by the Hw district, may be transferred to the commercial and/or industrially zoned land or parcel, immediately abutting the land or parcel contained in the Hw district, provided the developer prove unified control and development of the area affected by the Hw district and the abutting area. In no case, however, shall the transferred floor area of the Hw district property increase the floor area permissible in the abutting property to greater than .50 times the buildable area of the parcel.

730.5 Special Exceptions Permissible by Board of Supervisors

In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception after review by the Planning Commission.

1. Dwellings in residential and agricultural districts if the developer can show that due to road and access design, natural topography and vegetation the intent of the Hw district can be met.
2. Expansion of existing commercial and industrial uses and structures in commercial and industrial districts if the developer can show that such expansion will not adversely affect the intent of the Hw district.
3. Parking areas for commercial and industrial uses if the developer can show that due to road and access design and natural topography and vegetation or through the provision of landscaping and screening that the intent of the Hw district can be met.

730.6 General Standards for Special Exceptions

1. The proposed use at the specified location shall be in harmony with the policies of the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the applicable provisions of the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

4. The proposed use shall be such that pedestrian and vehicular traffic generated will not be hazardous or conflict with existing and anticipated traffic in the neighborhood.

5. There shall be no outdoor storage or display of goods offered for sale.

6. There shall be no more than one separate free-standing sign for commercial and industrial uses less than 50,000 gross square feet or residential developments of less than 50 acres.

740 FLOODPLAIN OVERLAY DISTRICT

740.1 PURPOSE AND INTENT

These provisions are created to regulate and restrict land use in areas within the County which are subject to severe periodic inundation, in such a manner as to: (1) protect life and prevent or minimize property damage; (2) reduce public costs for flood control, rescue and relief efforts occasioned by unwise use or occupancy of such areas; (3) conserve the natural state of watercourses and watersheds, and minimize the damaging effects which development has on drainage conditions, pollution of streams, and other environmental impacts on the County's water sources; (4) comply with Federal and State laws and regulations that address the need for floodplain management and protection; and (5) qualify Loudoun residents for the insurance and subsidies provided by the National Flood Insurance Program.

740.2 AUTHORITY

Authority for these provisions includes:

Flood Damage Reduction Act, Va. Code Sections 62.1-44.108 et seq.;

Chapter 11, Title 15.1, Code of Virginia (Planning, Subdivision of Land and Zoning);

Soil Conservation Districts Law, Va. Code Sections 21-2(c), 21-2(d);

Virginia Environmental Quality Act, Va. Code Section 10-178;

Erosion and Sediment Control Act, Va. Code Section 21-89.2;

Potomac River Basin Compact, Va. Code Section 62.1-69.1; and

National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq.

740.3 DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this subsection shall have the following meanings when used in Section 740.

1. Alteration. A development action which will change the cross section of the floodplain or will increase either the erosive velocity or height of floodwaters either on-site or off-site. Alterations include, but are not limited to, land disturbing activities as clearing, grading, excavating, transportation and filling of land.
2. Base Flood. The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.
3. Cross section. Shape and dimensions of a channel and valley of the floodplain perpendicular to the line of flow.
4. Floodplain. Any land area susceptible to being inundated by water from the base flood and having a drainage-area greater than one hundred (100) acres. For purposes of regulation under this ordinance, a distinction is made between floodplains in watersheds of greater than 640 acres, and those in watersheds of less than 640 acres.
5. Road crossing. Any improved right-of-way traversing a floodplain generally perpendicular to the flow of the drainageway. Driveways serving one lot shall not be considered road crossings.
6. Stormwater management improvements. Surface drainage improvements, storm sewers, detention and retention ponds and other such improvements as required under authority of the Loudoun County Erosion Control Ordinance and Plan, Chapter 1220 of the Loudoun County Code.
7. Utility Lines. Storm sewers, sanitary sewers, water lines and similar lines running generally parallel to the flow of the drainageway; and other public utility lines traversing a floodplain generally perpendicular to the flow of the drainageway.

740.4 FLOODPLAIN OVERLAY DISTRICT ESTABLISHED

The floodplain is hereby established as an overlay district, meaning that it is a district overlaid upon other districts. Only those uses set forth in Section 740 shall be permitted by right or special exception within the Floodplain Overlay District, and land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the overlay district.

740.5 ADMINISTRATION

1. The sources for delineation of the floodplain shall include, but shall not be limited to:

Flood Insurance Study of Loudoun County, Virginia, unincorporated areas by the Federal Emergency Management Agency (FEMA) (November 1985, as amended) (This study shall represent the minimum identification of the floodplain. Any changes to the data contained in this study shall have the prior approval of the Federal Insurance Administration.);

Flood hazard studies by USDA-Soil Conservation Service;

Floodplain studies by other Federal agencies such as the Corps of Engineers or the U.S. Geological Survey (USGS);

Guidelines and Specifications for Study Contractors for Flood Insurance Studies of September, 1982, (FEMA);

Detailed site-specific floodplain studies conducted by consulting engineering firms or government agencies; and

For the Potomac River, the flood of 1936 known elevations along with a hydraulic gradient established by past flood events and ground topography.

The limits of the floodplain shall be shown on the Floodplain Map of Loudoun County which is adopted as part of this ordinance. Delineation of watersheds greater than 640 acres and less than 640 acres shall be shown on a watershed map of Loudoun County. The Director of Natural Resources is charged with making necessary cartographic interpretations of those maps. For any portion of the County not included on the Floodplain Map of Loudoun County, as amended, the limits of the floodplain shall be determined by reference to the best available information, including the sources referenced above and studies submitted by applicants.

2. The provisions of this Section shall apply to all land within a floodplain. As used in this Section 740, "floodplain" refers to certain areas whose boundaries are determined and can be located on the ground by reference to the definition of that term. The boundaries of the floodplain as shown on the Floodplain Map of Loudoun County are intended to correspond to the actual physical location of the floodplain. The Director of Natural Resources is authorized to make necessary interpretations as to the exact location of the boundaries of floodplains if there appears to be a conflict between a mapped boundary and actual physical conditions. Such interpretations may be appealed to the Board of Zoning Appeals in accordance with the provisions of Article 11. The Director of Natural Resources may require information from any applicant, including, but not limited to, an engineering study of the floodplain in conformance with the provisions of the Facilities Standards Manual.

3. Except for making determinations and interpretations concerning the boundaries of the floodplain, the Zoning Administrator shall be responsible for administering and enforcing the regulations of this section.

740.6 PERMITTED USE

The following uses, having a low flood damage potential and causing no obstruction of flood flows, shall be permitted within the Floodplain Overlay District. Uses allowed in the underlying district shall be prohibited to the extent not permitted by right or by special exception in the Floodplain Overlay District. Where any uses, structures or improvements will result in an alteration to the floodplain, applications for alterations must be submitted to the Zoning Administrator in accordance with Section 740.9, and any alteration must meet the criteria contained in that section.

1. Permitted uses in the floodplain in watersheds of greater than 640 acres.
 - A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, wildcrop harvesting, vegetable gardens, truck farming and sod farming. In addition, timber harvesting is permitted upon submission of a Timber Management Plan that has been approved by the Virginia Division of Forestry.
 - B. Fishery uses such as fish hatcheries, fish harvesting.
 - C. Public or private recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, swimming areas except for swimming pools, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, play areas of natural, permeable nature, including ball fields, and other similar park and open space uses.
 - D. Stormwater management improvements associated with uses permitted by right or special exception in the Floodplain Overlay District.
 - E. Utility lines, public road crossings approved by the Virginia Department of Transportation, and private drives serving one lot.
 - F. Repair, reconstruction or improvement of existing residences not constituting substantial improvement. "Substantial improvement" means any repair, reconstruction or improvement, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage has occurred.

- G. Parking areas accessory to uses permitted by right or special exception in Floodplain Overlay District.
 - H. Incidental structures, not exceeding 840 square feet of floor area, associated with permitted or approved special exception uses in the Floodplain Overlay District. Such structures include storage sheds, maintenance sheds, backstops, bath houses and locker rooms. Provided, however, bulk storage of gasoline, chemicals, fuels or similar substances are prohibited in the Floodplain Overlay District.
 - I. Temporary storage of material or equipment necessary in the construction of uses or structures permitted by right or special exception in the floodplain Overlay District.
 - J. Alterations associated with any permitted or approved special exception uses in the floodplain overlay district. Applications for alterations must be submitted in accordance with Section 740.9, and any alteration must meet the criteria contained in that section. To the extent that the boundaries of the floodplain change as a result of the alteration action, any areas no longer within the floodplain may be used for any use in the underlying district, subject to the provisions of the applicable district regulations and conditions of any approved special exception.
 - K. Restoration and rehabilitation of historic structures included on a federal, state or local historic register.
2. Permitted uses in the floodplain in watersheds of less than 640 acres.
- A. Uses allowed by right in the Floodplain Overlay District in watersheds of greater than 640 acres.
 - B. Alterations. Applications for alterations must be submitted in accordance with Section 740.9, and any alteration must meet the criteria contained in that section. To the extent that the boundaries of the floodplain change as a result of the alteration, any areas no longer within the floodplain may be used for any use in the underlying district, subject to the provisions of the applicable district regulations and conditions of any approved special exception.
 - C. Stormwater management improvements whether or not associated with uses permitted by right or special exception in the Floodplain Overlay District.
 - D. Farm ponds designed by the Soil Conservation Service.
 - E. Basketball or tennis courts, and swimming pools.

- F. Parking areas less than 5000 square feet not otherwise permitted. Such parking areas shall not be subject to 100-year flooding greater than one foot in depth, shall be equipped with best management practices maintained by the property owner, and shall not require major fill.

740.7 SPECIAL EXCEPTION USES

The following uses and structures in the floodplain may be permitted by the Board of Supervisors by special exception; upon recommendation of the Planning Commission, subject to the standards in Section 740.8:

1. Marinas, boat rentals, docks, piers, wharves, water ski jump facilities; and incidental structures associated with such uses, such as bath houses and locker rooms.
2. Carnivals, circuses and similar transient amusement enterprises.
3. Riding stables.
4. Structures or uses required for the operation of a public utility, road crossings and stormwater management improvements not otherwise permitted by right; provided, however, that stormwater management ponds shall not be allowed in floodplains in watersheds of greater than 640 acres, except as provided in paragraph 5, below.
5. Roads, as permitted under the provisions of the Zoning Ordinance and Land Subdivision and Development Ordinance, and ponds in the Potomac River floodplain. Due to the extensive watershed drained by the Potomac River in the States of Virginia, Maryland, and Pennsylvania, the Potomac River floodplain is unique in comparison to all other floodplains in Loudoun County. The Potomac River floodplain located in Loudoun County does not represent a significant portion of the entire Potomac floodplain, and accordingly, these less restrictive use regulations will apply to that area.
6. Incidental structures, greater than 840 square feet of floor area, associated with uses permitted by right or special exception in the Floodplain Overlay District.

740.8 STANDARDS FOR A SPECIAL EXCEPTION

In considering applications for special exceptions, the Board of Supervisors must be satisfied that the following standards have been met:

1. The proposed use will not increase the danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The proposed use will not increase the danger that materials may be swept on to other lands or downstream[s] to the injury of others.

3. The proposed water supply and sanitation systems are designed to prevent disease, contamination, and unsanitary conditions.
4. The proposed use or structure must be located and designed to limit its susceptibility to flood damage, and available alternative locations, not subject to flooding, for the proposed use must be considered.
5. The proposed use is compatible with existing and planned development.
6. The proposed use is in harmony with the comprehensive plan.
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site should not cause significant damage to the structure.
8. Such other standards which are relevant, including Section 1211.5, Criteria for a Special Exception, and Section 103, Purposes of Zoning.

740.9 ALTERATIONS

1. Procedures for Alterations to the Floodplain

Applications for alterations to the floodplain shall be subject to the following procedures:

- A. An application for an alteration to the floodplain shall be submitted concurrently with the first submission for subdivision or site plan approval.
- B. The applicant shall submit to the Zoning Administrator detailed studies in accordance with Section 5.400 of the Facilities Standards Manual.
- C. The Zoning Administrator shall refer the submitted studies to the Director of Technical Services, the Director of Natural Resources, and the Loudoun Soil and Water Conservation District for review and recommendations based on Section 740.9(2) "Engineering and Environmental Criteria for Proposed Alterations to the Floodplain." The Zoning Administrator shall notify the Virginia Water Control Board and the Federal Emergency Management Agency prior to any alteration or relocation of a watercourse.
- D. Following reports by the Director of Natural Resources and the Director of Technical Services, the Zoning Administrator shall take appropriate action with respect to approving plans and permits when the proposed alteration conforms with engineering and environmental criteria of Section 740.9(2). If the Director of Natural Resources and the Director of Technical Services report that the alteration proposal does not conform with engineering and environmental criteria of

Section 740.9(2), the Zoning Administrator shall so notify the applicant and shall suspend further action until arevised alteration proposal is submitted.

2. Engineering and Environmental Criteria for Proposed Alterations to the Floodplain.

All proposed alterations to the floodplain shall be reviewed by the Director of Technical Services and the Director of Natural Resources to determine whether the following criteria have been met:

- A. Alterations to the floodplain shall result in no offsite increase in the water surface elevation of the base flood. In watersheds of greater than 640 acres, alterations in the floodway shall result in no rise in the water surface elevation of the base flood. The floodway is the unobstructed portion of the floodplain consisting of the water channel and overbank areas capable of conveying the deep and fast moving water discharge of the base flood as defined in the Federal Emergency Management Agency study.
- B. Alterations to the floodplain shall not create erosive water velocity on or off site (where erosive water velocity is based on analysis of the surface material and permissible velocities for specific cross sections affected by the proposed alteration, using standard engineering tables as a general guide), and the mean velocity of stream flow at the downstream end of the site after alteration shall be no greater than the mean velocity of the stream flow under existing conditions.
- C. Relocation or alteration of the natural channel shall not be permitted without a complete stream rehabilitation program depicted on a floodplain alteration plan.
- D. The maximum allowable slope of any filled area on the floodplain alteration plan shall be 3:1.
- E. The floodplain alteration plan shall further include plans for erosion control of cut and fill slopes and restoration of excavated areas. The site plan should incorporate the use of natural materials (earth, stone, wood) on cut and fill slopes and provide for tree protection wherever possible.
- F. Alterations to the floodplain shall be in conformance with the provisions of Chapter 1220 of the Codified Ordinances of Loudoun County and the Erosion and Sediment Control Law, Va. Code Section 21-89.1 et seq.
- G. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

740.10 SITE PLANS AND BUILDING PERMITS

1. In accordance with Section 1244.01 of the Land Subdivision and Development Ordinance, site plans are required for all uses in the floodplain overlay district, except for agricultural, forestry or fisheries uses not requiring the erection of structures. Alterations may be approved as part of either a subdivision or site plan application.
2. All structures built in the Floodplain Overlay District must conform to the requirements of the Uniform Statewide Building Code, including the floodproofing provisions of that code.

740.11 FLOODPLAIN INFORMATION TO BE SUBMITTED WITH LAND DEVELOPMENT ACTIONS

Floodplain information shall be included as part of rezoning, special exception, commission permit and site plan applications, and other land development applications, in accordance with Chapter 5 of the Facilities Standards Manual.

740.12 DENSITY CALCULATIONS

For purposes of calculating the permitted floor area and number of residential units in the underlying zoning district, the land area in any portion of the Floodplain Overlay District shall be treated as follows:

1. Any portion of the Floodplain Overlay District in a watershed of less than 640 acres shall be included as part of the land area for such calculations.
2. Any portion of the Floodplain Overlay District in a watershed of 640 or more acres shall be excluded as part of the land area for such calculations.

745 MOUNTAINSIDE DEVELOPMENT OVERLAY DISTRICT

745.1 PURPOSE AND INTENT

These provisions are created to regulate land use and development on the mountainsides of the County, in such a manner as to: (1) assure mountainside development will not result in substantial damage to significant natural resource areas, wildlife habitats or native vegetation areas; (2) assure that mountainside development is compatible with the slope of the land; (3) assure proper design is utilized in grading and in the development of structures, roadways and drainage improvements; (4) assure mountainside conditions are properly identified and incorporated into the planning process for subdivision and site development; (5) implement the intent of the Comprehensive Plan; (6) prevent erosion and minimize clearing and grading; and (7) ensure that all development is compatible with the existing topography and soils conditions:

745.2 DEFINITIONS

Unless otherwise specifically provided, or unless clearly required by the context, terms defined in this subsection shall have the following meanings when used in Section 745:

1. Land disturbing activity. This term is defined by reference to Va. Code Section 21-89.3(a); provided, however that the exemption in subsection (viii) of that statute shall not apply for purposes of this ordinance.
2. Slope. The average land gradient expressed as a percentage. Slope average shall be determined on the basis of mapping units two (2) acres or more using the County base planimetric and topographic maps. Slope mapping units are defined by average slope ranges of 0-2%, 2-7%, 7-15%, 15-25%, and greater than 25%.
3. Soil Mapping Unit. An area of similar kinds of soil materials on the same landform, as defined in the Interpretive Guide to Soils Maps of Loudoun County, as amended.
4. Spring. A place where the groundwater flows naturally from a rock or the soil onto the land surface or into a body of surface water.

745.3 MOUNTAINSIDE DEVELOPMENT OVERLAY DISTRICT ESTABLISHED

The following mountainside areas of the County are hereby established as the Mountainside Development Overlay District, meaning that this district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the overlay district:

those portions of the Blue Ridge and Short Hill Mountains above 700 feet mean sea level; and

those portions of the Catoctin, Hogback and Bull Run Mountains above 550 feet mean sea level.

The limits of this district shall be shown on the Mountainside Development Overlay District Map which is adopted as part of this ordinance. The Director of Natural Resources is charged with making necessary cartographic interpretations of that map.

745.4 PERMITTED USES

The following uses are permitted by right in the Mountainside Development Overlay District:

1. Agriculture, forestry, and fisheries. Timber harvesting shall be conducted only in conformance with an appropriate plan approved by the Virginia Division of Forestry.
2. Detached, single family dwellings as provided for in Section 745.7.

745.5 SPECIAL EXCEPTION USES

Except for those uses listed in Section 745.4, all uses and structures permitted by right or by special exception in the underlying zoning district may be permitted only by special exception, upon recommendation of the Planning Commission, subject to the following performance standards and criteria:

1. Drainfields shall not be placed on slopes greater than 25%, or placed in Soil Mapping Unit 59. Drainfields shall not be placed in Soil Mapping Units 27 and 88 without adequate soil scientist studies.
2. Dwellings shall not be placed on slopes of greater than 25% or placed in Soil Mapping Unit 59.

3. On slopes of less than 15%, land disturbing activities such as grading shall not be allowed within 100 feet of springs. On slopes of 15% or greater, grading shall not be allowed within 200 feet of springs.
4. Roads and drives shall not be allowed in Soil Mapping Unit 59 or on slopes of greater than 25%, except where no other options exist to access a property. Private roads and drives shall conform to Virginia Department of Transportation mountainous terrain standards for vertical alignment, and underdrainage and culvert design.
5. Land disturbing activities such as excavating and filling in Soil Mapping Units 27, 59, and 88 shall be minimized.
6. Land disturbing activities such as clearing and grading shall be minimized, but shall be allowed as necessary for building sites and related improvements. Special exception conditions limiting clearing may include, but are not limited to:
 - on 0 to 15% Slopes, selective clearing up to a maximum 50% of existing forest areas;
 - on 15 to 25% slopes, selective clearing up to a maximum 25% of existing forest areas; and,
 - on greater than 25% slopes, minimal clearing as needed for roads and drives.
7. Where a site is to be served by groundwater, a proven supply shall be evidenced by a hydrogeologic report (to the extent such a report may be required under the guidelines of the Health Department), and areas determined to be groundwater recharge areas shall be protected.
8. Such other standards which are relevant, including Section 1211.5, Criteria for a Special Exception, and Section 103, Purposes of Zoning.

745.6 PROCEDURES

1. Applications for special exceptions in the Mountainside Development Overlay District are to be submitted concurrently with the initial submission for approval of a subdivision or a site plan. If the proposed use or structure does not require the subdivision of land or the approval of a site plan, a special exception must be applied for separately. Applicable permits shall not be issued until approval of a special exception application. Special exception applications shall be made and processed in accordance with the provisions of Article 12 of this ordinance.

2. In addition to the requirements for special exception applications established elsewhere in this ordinance, the following information must be submitted:
 - a. Existing conditions map. This map must be prepared at a scale of 1 inch = 200 feet and must include planimetric detail with 5 foot contour intervals. It should include the location of existing wells, drainfields, and springs within 1000 feet of the property boundary to the extent available from existing records.
 - b. Concept plan of proposed development. This plan must include proposed roads, lot lines, buildings, wells, drainfield locations, and limits of clearing, grading or other land disturbing activity.
 - c. Soils map approved by the Department of Natural Resources. (BOS approved 8-1-89)
 - d. Hydrogeologic study. This study must conform to guidelines established by the Health Department, County agencies, and Facilities Standards Manual. A purpose of this study is to document a proven water supply where the proposed use is to be served by groundwater.

745.7 EXISTING LOTS

On any lot of record existing as of the date of adoption of this ordinance, one detached, single family dwelling is permitted by right subject to the following performance standards:

1. No dwellings; drainfields; or roads and drives shall be located on Soil Mapping Unit 59.
2. No dwellings; drainfields; or roads and drives (except where no other options exist to access a property) shall be located on slopes greater than 25%.
3. Land disturbing activities such as clearing and grading associated with construction of dwellings and drainfields shall not exceed one (1) acre.

Additions to existing dwellings are permitted by right subject to the same standards.

Approvals of onsite sewage disposal systems granted by the Health Department prior to the adoption of this ordinance shall not be affected, but each shall be re-evaluated by the Health Department upon expiration and re-application consistent with the standards of this ordinance.

The Zoning Administrator, in consultation with appropriate departments, shall review any application for a zoning permit for uses under Section 745.7 for compliance with these standards.

750 HISTORIC SITE DISTRICTS/HISTORIC AND CULTURAL
CONSERVATION DISTRICTS

750.1 Designation and Intent.

750.1.1 Designation.

Historic districts may hereafter be created, in accordance with Section 15.1-503.2 of the Code of Virginia, as amended, which shall be designated as either Historic Site (HS) districts or as Historic and Cultural Conservation (HCC) districts.

Historic site district shall apply to landmarks, buildings or structures which meet the requirements for designation set out in the following sections. Historic and cultural conservation districting shall apply to areas, including rural areas, as opposed to specific landmarks, buildings or structures, which meet the requirements for designation set out in the following sections.

Historic Site Districts and Historic and Cultural Conservation Districts shall be created by amendment of the Zoning Ordinance as provided in Article 12:

750.1.2 Intent.

HS and HCC districts are intended to effect and accomplish the protection, enhancement and perpetuation of especially noteworthy examples or elements of the County's cultural, social, economic, religious, political or architectural history in order to:

- A. Foster civic pride and preserve an appreciation for the historic values on which the County and the Nation were founded;
- B. Maintain and improve property values;
- C. Protect and enhance the County's attraction to tourists and visitors;
- D. Provide for the education and general welfare of the people of the County; and
- E. Otherwise accomplish the general purposes of this ordinance and the provisions of Chapter 11, Title 15.1, Code of Virginia of 1950, as amended.

750.2 Criteria for Designating Historic Site Districts and Historic and Cultural Conservation Districts.

750.2.1 Criteria for Designating Historic Site Districts.

The Board of Supervisors may create HS districts provided such districts meet one or more of the following criteria, as well as meet one or more of the purposes set forth in Section 750.1.2, above:

- A. Such district contains a landmark, building or structure on the National Register of Historic Places or the Virginia Landmark Register, or
- B. Such district meets one or more of the following local determination criteria:
 - 1. Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional, or national history; or
 - 2. Contains buildings or structures whose exterior design or features exemplify the distinctive characteristics of an historic type, period or method of construction, or which represent the work of an acknowledged master; or
 - 3. Have yielded, or are likely to yield, information important to local, regional or national history.

750.2.2 Criteria for Designating Historic and Cultural Conservation Districts

The Board of Supervisors may create HCC districts provided such districts meet the standards of Section 15.1-430(b), Code of Virginia (1950), as amended; meet one or more of the purposes set forth in Section 750.1.2, above; and meet one or more of the following criteria:

- 1. Is closely associated with one or more persons, events, activities, or institutions that have made a significant contribution to local, regional or national history; or
- 2. Contain buildings or structures whose exterior design or features exemplify the distinctive characteristics of one or more historic types, periods or methods of construction, or which represent the work of an acknowledged master or masters; or
- 3. Have yielded, or are likely to yield, information important to local, regional or national history; or
- 4. Possess an identifiable character representative of the architectural and cultural heritage of Loudoun County.

750.3 Boundaries of Historic Site Districts and Historic and Cultural Conservation Districts.

750.3.1 Boundaries of Historic Site Districts.

The boundaries of HS districts shall be drawn to include all lands which are adjacent to the landmark, building, or structure for which the historic site district was established and which are reasonably related to the essential historic character of said district.

750.3.2 Boundaries of Historic and Cultural Conservation Districts.

The boundaries of HCC districts shall be drawn to include all such land therein as meets the purposes of Section 750.1.2, above, and the criteria of Section 750.2.2, above.

750.4 Effect of Historic Designation on Existing Zoning Classifications and Regulations

Historic district designation, both HS and HCC; shall be an overlay zone and as such shall be in addition to existing zoning designations and the regulations appropriate thereto.

750.5 Application for Designation as Historic Site District or Historic and Cultural Conservation District.

Application for historic site or historic and cultural conservation district designation shall be made by the owner, Board of Supervisors, Planning Commission or Historic District Review Committee on a form provided by the Zoning Administrator. No fee shall be required.

In addition to the above, the Planning Commission may initiate amending action to create an Historic Site district whenever there exists a national or state recognized historic landmark not encompassed by a Historic Site District designated on the zoning map.

The following information shall be required for consideration for Historic Site or Historic and Cultural Conservation district designation and shall be submitted with the application:

- A. An inventory which lists each building or structure within the district which itself has historic merit or which contributes to the overall historic character of the district.
- B. A graphic representation of the location of landmarks, sites, buildings or other structures of particular historic value as well as the boundaries of the total proposed area to be included within the designation.

C. A written statement documenting the particular historical attributes of the territory proposed to be designated.

750.6 Action by the Planning Commission.

An application filed with the Zoning Administrator shall be advertised for public hearing as provided for in Article 12. The Planning Commission shall determine that the application either has apparent merit or does not have apparent merit in relation to the purposes set forth in Section 750.1, above, and the criteria set forth in Section 750.2, above. In either case the application shall be forwarded to the Board of Supervisors along with a statement of the findings of the Planning Commission relative to such purposes and criteria. If the application is approved by the Planning Commission, transmittal of said approval shall be accompanied by a map depicting the approved boundaries of said district, as well as a copy of the inventory of buildings and structures submitted with the application under Section 750.5(A), which the Commission shall have reviewed and approved after any necessary additions, deletions, or changes. Before acting on any such application the Planning Commission may consider comments solicited from such local and state agencies as deemed appropriate, including the Historic District Review Committee, as established in accordance with Section 750.15, below.

750.7 Action by the Board of Supervisors.

Upon receipt of a recommendation from the Planning Commission, the Board of Supervisors shall consider the application as provided for in Article 12, hereinafter, and approve or disapprove the application under the same standards as applied by the Planning Commission, above. If the application is approved by the Board of Supervisors, the Board shall also specifically approve the boundaries of said district, and the inventory of buildings and structures submitted under Section 750.5(A) as may be amended by the Board of Supervisors.

750.7.1 Maintenance of Inventory of Buildings and Structures

Following the creation of each Historic Site or Historic Cultural Conservation District, the Zoning Administrator shall maintain in his office the inventory of buildings and structures approved by the Board of Supervisors. Requests for any additions, deletions, or other changes to such inventory shall be made to the Zoning Administrator, and may only be made by him with the concurrence of the Historic District Review Committee.

750.7.2 Recordation of Resolutions Creating Historic District.

Following the creation of each Historic Site or Historic and Cultural Conservation District, a copy of the resolution creating such district, and a boundary description of such district, shall be filed by the Zoning Administrator with the Clerk of the Circuit Court for Loudoun County.

750.8 Certificate of Appropriateness

In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County, no building or structure, including signs, shall be erected, reconstructed, substantially altered, moved or restored within a designated Historic Site or Historic and Cultural Conservation District unless and until an application for a Certificate of Appropriateness shall have been approved by the Historic District Review Committee, as provided below. Provided, however, that no Certificate of Appropriateness shall be required in cases of buildings primarily used or to be used for agricultural or horticultural purposes in which the requested change would not have a clear and substantial detrimental impact on the character of the district as determined by the Zoning Administrator. Provided further that no Certificate of Appropriateness shall be required in cases of ordinary repair or maintenance of any exterior feature which does not involve a significant change in design, material, or outer appearance thereof, as determined by the Zoning Administrator. Notwithstanding any other provision of this Ordinance, appeal from any determination made by the Zoning Administrator pursuant to this section shall be by petition to the Historic District Review Committee by any party directly aggrieved thereby.

750.9 Permit for Razing or Demolition

In order to promote the general welfare through the preservation and protection of historic places and areas of historic interest in the County, no building or structure within an historic district which is listed on the inventory of buildings and structures for such district maintained in the office of the Zoning Administrator, shall be razed or demolished without a permit being obtained from the Historic District Review Committee, except as otherwise provided in Section 750.13 or Section 750.14, below. Notwithstanding provisions of this section and Section 750.12, the Board of Supervisors may issue a permit to raze a structure upon recommendation of the Planning Commission at the time of establishment of a district.

750.10 Applications and Procedures--Certificate of Appropriateness, Permit for Razing or Demolition

Applications for Certificates of Appropriateness and Permits for Razing or Demolition shall be made to the Zoning Administrator on forms supplied by him.

The Zoning Administrator shall refer all applications to the Historic District Review Committee.

All actions taken in pursuance of the above requirements shall be preceded by at least one public meeting by the Committee, at which time any interested party, including the applicant or his representative, shall be heard.

All approvals or disapprovals by the Committee shall include a statement of the reasons for such approval or denial and the conditions to be met, where applicable, whereby the applicant could make his application acceptable to the Committee.

No reapplication for essentially the same purpose shall be reviewed by the Historic District Review Committee within one year of denial of any applications hereunder except in cases where the applicant purports to have brought himself into compliance with the conditions for approval set forth by the Committee in an earlier denial of said application.

750.11 Certificates of Appropriateness--Criteria

In passing upon applications for Certificates of Appropriateness the Historic District Review Committee shall not consider interior arrangement.

750.11.1 Historic Site (ES) District (added by BOS 9/21/87)

In reviewing an application in an HS District, the Committee shall base its decision on whether the proposals therein are architecturally compatible with the building, structure, or landmark in said district. In applying such standard, the Committee shall consider, among other factors:

- A. Exterior architectural features, including all signs.
- B. General design, scale and arrangement.
- C. Texture and material.
- D. The relationship of a, b, c, above, to other structures and features of the district.
- E. The purposes for which the district was created.
- F. The extent to which denial of a Certificate of Appropriateness would constitute a deprivation to the owner of a reasonable use of his property.
- G. The extent to which the proposal adheres to the Historic District Guidelines adopted by the Board of Supervisors, which are incorporated herein by reference. Further, The Historic District Review Committee shall make findings stating the reason why an application conforms or fails to conform with those guidelines.
(added by BOS 9/21/87)

750.11.2 Historic and Cultural Conservation (HCC District) (added by BOS 9/21/87)

In reviewing an application in an HCC District the Committee shall base its decision upon whether the proposals therein are compatible

with the established architectural character of the district. In applying such standard the Committee shall consider, among other factors:

- A. Exterior architectural features, including all signs.
- B. General design, scale and arrangement.
- C. Texture and material.
- D. The relationship of A. B. C., above, to other structures and features of the district.
- E. The purposes for which the district was created.
- F. The relationship of the size, design and siting of any new or reconstructed structure to the landscape of the district.
- G. The extent to which denial of a Certificate of Appropriateness would constitute a deprivation to the owner of a reasonable use of his property.
- H. The extent to which the proposal adheres to the Historic District Guidelines adopted by the Board of Supervisors, which are incorporated herein by reference. Further, the Historic District Review Committee shall make findings stating the reason why an application conforms or fails to conform with those guidelines. (added by BOS 9/21/87)

750.11.3 Amendment Regarding Historic District Guidelines (adopted by BOS 8/1/89)

This amendment incorporates guidelines for the Bluemont Historic and Cultural Conservation District (adopted March 12, 1988) into the Historic District Guidelines (adopted September 1987). These guidelines are for use in issuing Certificates of Appropriateness for the Bluemont Historic and Cultural Conservation District. The public purposes of this amendment are to facilitate the creation of a convenient, attractive and harmonious community and to protect against the destruction of or encroachment upon historic areas.

750.12 Right to Raze or Demolish--Conditions and Procedures

The owner of a building or structure, the razing or demolition of which is subject to the provisions of this article, shall, as a matter of right, be entitled to raze or demolish such building or structure provided that:

- A. He has applied to the Historic District Review Committee.
- B. The owner has for a period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it will preserve and restore the building or structure and the land pertaining thereto.

- C. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure, and the land pertaining thereto, or the building or structure alone without the land pertaining thereto, prior to the expiration of the applicable time period as set forth in the time schedule below. Any appeal which may be taken to the Court, in accordance with Section 750.16 of this Ordinance shall not affect the right of the owner to make a bona fide offer to sell. Offers to sell shall be made within one year of the date of application to the Historic District Review Committee. The time schedule for offers to sell shall be as follows:

Property Valued At:

Minimum Offer to Sell Period

\$25,000 or less	3 months
\$25,000 - \$40,000	4 months
\$40,000 - \$55,000	5 months
\$55,000 - \$75,000	6 months
\$75,000 - \$90,000	7 months
\$90,000 or more	12 months

750.12.1 Bona Fide Offer to Sell; Procedures for Filing Notice of Offer and Questioning Price.

Before making a bona fide offer to sell as provided for in this section, an owner shall first file a statement with the Historic District Review Committee. The statement shall identify the property, state the offering price, the date the offer of sale is to begin and name and address of the listing real estate agent, if any. The statement shall provide assurances that the building or structure shall be preserved. No time period set forth in the time schedule contained in Section 750.12 shall begin to run until said statement has been filed. Within five days of receipt of a statement, copies of the statement shall be delivered to the Historic District Review Committee.

750.12.2 Question as to Price.

The fact that a building or structure has been offered for sale at a price reasonably related to fair market value may be questioned, provided there is filed with the Historic District Review Committee, on or before 15 days after the offer of sale has begun, a petition in writing signed by at least five persons owning real estate in the vicinity of property offered for sale. Alternatively the Committee may question said price on their own motion. Upon receipt of such petition, or upon its own motion, the Committee shall, at the expense of the County, appoint three disinterested real estate appraisers, familiar with property values in Loudoun County, who shall forthwith make an appraisal of the building or structure in question and file a written report with the Committee stating whether or not the offer to sell the building or structure is at a price reasonably related to its fair market value. The opinion of any two of the three appraisers shall be final and binding. In the event the opinion is to the effect that the offer to sell the building or structure is at price reasonably related to its fair market value, the owner may continue to offer the property for sale pursuant to Section 750.12. In the event the opinion is to the effect that the offer to sell the building or structure is not at a price reasonably related to its fair market value, the date of the offer to sell first established pursuant to Section 750.12 shall be void and the owner, if he wishes to take advantage of the right provided in said section, must refile the notice provided for above. Notwithstanding an adverse opinion by the appraisers if an owner has entered into a binding bona fide

contract as provided in Section 750.12 prior to the date the appraisers have filed their report with the Board, the price shall be deemed reasonably related to the fair market value.

750.13 Right to Raze or Demolish

The right to raze or demolish a building, structure or landmark within an historic district shall not be subject to the foregoing conditions of offer to sell where the applicant for a Permit to Raze or Demolish can establish either:

- A. The loss of such building, structure or landmark would not substantially impair the goals sought to be achieved by the establishment of such district, or
- B. The forced sale of such building, structure or landmark would be economically infeasible in relation to its effect on the remaining property of the applicant. Such a claim shall be heard by the Historic District Review Committee, upon the petition of the owner of the property. Such hearing shall be public and any interested party shall be heard.

750.14 Hazardous Buildings or Structures

Nothing in this article shall prevent the razing or demolition without consideration of said Committee, of any building or structure within an historic district which is in such an unsafe condition that it would endanger life or property as determined in accordance with the provisions of the Virginia Uniform Statewide Building Code (Section 124 of the BOCA Basic Building Code, 1975, as amended).

750.15 Historic District Review Committee

For the purposes of Section 750 of this Ordinance, the Board of Supervisors shall appoint an Historic District Review Committee. The Committee shall be composed of five members. Where possible, the membership shall include, but not necessarily be limited to, the following: an architect with experience dealing with historic structures, an architectural historian, an owner of property listed on either the state or national register of historic landmarks or an owner of property within an Historic Site District, and an owner of property within an Historic and Cultural Conservation District. The members of the Committee shall serve a two year term or until their successors are appointed. The Committee shall meet on a regular basis as their workload requires and shall adopt such operating procedures as they deem appropriate in keeping with the requirements of law, including a procedure for maintaining records of their proceedings. All decisions of the Committee shall be by majority vote of those present and voting and no action shall be effective unless those present and voting constitute at least a quorum of the members of the Committee.

750.16 Right of appeal

Any applicant aggrieved, or other party economically injured, by any final decision of the Historic District Review Committee may appeal such decision to the Board of Supervisors. The Board of Supervisors shall render its final decision on such appeal after consultation with the Historic District Review Committee. Any applicant aggrieved, or other party economically injured, by any final decision of the Board of Supervisors may appeal to the Circuit Court for the County of Loudoun, in accordance with Section 15.1-503.2 of the Code of Virginia of 1950, as amended. The filing of a petition of appeal with the Circuit Court shall stay the decision of the Board pending the outcome of the appeal to the Court, except that the filing of such petition shall not stay the decision of the Board if such decision denies the right to raze or demolish a historic landmark, building or structure.

760 A-10 LOW DENSITY - RURAL DISTRICT

760.1 Designation and Statement of Intent

760.1.1 Designation. A-10 low density - rural district.

760.1.2 Statement of intent. This designation is intended for application in areas which are rural and/or have difficult terrain, to protect the character of such areas and to prevent premature urbanization where roads and other public facilities are scaled to meet rural needs only, where present public programs do not propose installations suitable for development at higher density.

It is further intended, that, in order to meet the test of reasonableness, and the test of like-land treated alike, the following factors shall be considered before zoning to the A-10 category:

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760.1.2.1 Character of the area. Predominantly rural, sparsely developed, open land.

760.1.2.2 Land use and activities. Agriculture; extensive outdoor recreation (hunting, fishing, golf, riding to the hounds); game preserves and game propagation.

760.1.2.3 Unsuitable for development. Limited groundwater resources and steep topography presenting substantial obstacles to development, soils presenting great economic obstacles for foundations and individual sewage disposal systems, land subject to frequent or dangerous flooding.

760.1.2.4 Scale of public facilities. Inability of existing road to adequately support higher traffic volumes; distance to schools; fire houses, rescue squads, and other public services inappropriate for higher densities of development.

760.1.2.5 Promotion of comprehensive plan objective of helping agriculture. Establishing permanent character helpful to farming practices.

760.1.2.6 Conservation objectives.

- a. Steep slopes - prevention of serious erosion and protection of scenic views by having little new development;
- b. Watersheds - protection of headwaters of streams and other critical areas by minimum disturbance of the land;
- c. Flood plains - provision of places for natural flooding to occur harmlessly;
- d. Ground water recharge - maintenance of areas important to intake of rainfall for recharging ground water supplies;
- e. Woodlands - preservation of trees to prevent serious erosion, protect wildlife, help maintain air quality, and protect scenic views.

760.1.2.7 Prevailing property ownership patterns. Ownership patterns must be in large parcels such that the requirements contained herein are in line with existing conditions.

760.2 Permitted Principal Uses and Structures

- a. Agriculture, forestry and fisheries, provided however that no such use shall be permitted which because of the nature, location, or manner of operation is noxious, offensive or dangerous because of noise, odor, fumes, gas glare, vibration, smoke emission of particulate matter or effluents.

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- b. Detached single family dwellings
- c. Private schools for not over 15 pupils
- d. Circuses, carnivals or similar temporary activities when organized or sponsored by non-profit organizations
- e. Non-commercial fairgrounds
- f. Game preserves, wildlife sanctuaries and the like
- g. Cluster developments of 30 or more acres where subdivision plats are approved prior to or at the time of issuance of permits.
- h. Low Density 25 Acre Residential Development, subject to the criteria and standards in Section 601.9.1 (BOS adopted 10/17/89)
- i. Low Density 50 Acre Residential Development, subject to the criteria and standards in Section 601.9.2 (BOS adopted 10/17/89)

760.3 Permitted Accessory Uses and Structures

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, including:

- a. Dwelling or lodging units for persons employed on the premises, provided that if in a separate structure or requiring additional sanitary facilities, not more than one such dwelling or lodging unit shall be permitted for each 10 acres in the principal use
- b. Wayside stands for display and sale of products produced on the premises
- c. Guest house
- d. Home occupations
- e. Bed and breakfast home stay establishments as home occupations (adopted July 21, 1986)
- f. Small businesses (see Section 601.8) (adopted by BOS 10/3/88)

No accessory building shall be constructed until construction of the principal building has actually begun, and no accessory building shall be used until the principal building is completed and in use, provided however, that temporary buildings and uses shall be permitted for not to exceed one year in connection construction, with permits renewable as provided in Article 9.

760.4 Special Exceptions

760.4.1 Special Exceptions Permissible by Board of Zoning Appeals

- a. Commercial stable
- b. Kennel
- c. Veterinary services; animal hospital
- d. Guest farms or ranches
- e. Cemetery,
- f. Wayside bus shelters
- g. Structures for exhibits and/or demonstrations operated by non-profit organizations
- h. Buildings or uses primarily for Federal, State, County or local governmental purposes
- i. Church, parish house, convent, monastery
- j. Private airport, heliport, flight strip
- k. Day camp, boarding camp
- l. Private club or lodge
- m. Private school for over 15 pupils
- n. Recreational structures or uses, related to outdoor recreation, commercial or noncommercial

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- o. Rest home, nursing home, convalescent home, orphanage, or similar institution
- p. Community centers
- q. Volunteer fire and/or rescue squads structures and uses
- r. Structures and uses required for operation of a public utility, except uses involving extensive storage or storage as a primary purpose
- s. Country Inns subject to those standards contained in Section 601.7.2 (adopted 9/15/86)

760.4.2 Special Exceptions Permissible by Board of Supervisors Upon Recommendation by Planning Commission

Extraction of natural resources

Small business (see Section 601.8) (adopted by BOS 10/3/88)

760.5 Minimum Area for Creation of Districts

Minimum area required for creation of an A-10 district shall be 30 acres.

760.6 Minimum Lot Requirements - Area, Width, Length/Width Ratio

760.6.1 Generally

760.6.1.1 Minimum lot area. 10 acres

760.6.1.2 Minimum lot width. Fronting Class I roads: 500 feet
Fronting Class II or III roads: 350 feet.

760.6.1.3 Length/Width ratio. Lots fronting Class I roads: for lots hereafter created, length shall not exceed 3 X width. Lots fronting Class II or III roads: For lots hereafter created, length shall not exceed 4 X width.

No more than 10 such lots shall hereafter be created fronting on a cul de sac, Class III road, with public access rights. No Class III road shall have any portion more than 2,700 feet from a Class I or Class II road, measured along said Class III road. Public access rights shall not extend closer than 100 feet to the termination of a Class III road.

760.6.2 For Cluster Development Only

760.6.2.1 Minimum lot area. 3 acres

760.6.2.2 Minimum lot width. Fronting Class I roads: 300 feet Fronting Class II or III roads: 200 feet.

760.6.2.3 Length/width ratio. As above

760.6.2.4 Common open space shall be provided, and appropriately located with respect to permitted uses, in a sufficient amount such that a total density of one family dwelling for each 10 acres shall be maintained. Common open space shall be permanently reserved as open space by a means acceptable by the Board of Supervisors.

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760.7 Minimum Yard Requirements

Depth of front, rear yards, width of side yards:

Front yard: 35 feet
Rear yard: 25 feet
Side yard: 12 feet

760.8 Maximum Height

Dwellings: 35 feet

Other buildings: 35 feet, provided that a building may be erected to a maximum height of one hundred feet if it is set back from street and lot lines, not constituting district boundaries, in addition to each of the required minimum yard dimensions, a distance of not less than two feet for each one foot of height that it exceeds the thirty-five foot limit.

Methods of computation and measurements shall be as noted in Article 5.

760.9 Sign Limitations

Sign regulations shall be as prescribed in Section 523 of this ordinance.

760.10 Off-Street Parking Requirements, Spaces Required

Building or uses primarily for governmental purposes: As determined in connection with particular special exception.

Churches: One for each 10 seats in main auditorium.

Clubs or lodges, private: One for each 10 seats in main auditorium.

Community center: One for each 400 square feet of activity areas.

Dwelling: Two per dwelling unit.

Exhibit/demonstration hall: One for each 400 square feet.

Home occupation: One for each 150 square feet of floor area used in such home occupation.

Lodging units: One per lodging unit.

Recreational structures or uses, commercial or non-commercial: As determined in connection with the particular special exception.

Rest home, nursing home, convalescent home, orphanage or similar institution: One for each 4 beds.

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School, private: One for each 5 pupils.

Stable, commercial: One for each 3 animals for hire.

Veterinary services and animal hospitals: One for each 400 square feet of floor space in office, 4 spaces minimum.

Wayside stands: No parking in public right-of-way.

All other permissible uses allowable in the A-10-district: As determined in connection with the particular special exception use.

ARTICLE 8 -- NON-CONFORMING LOTS, NON-CONFORMING
USES OF LAND, NON-CONFORMING STRUCTURES, NON-
CONFORMING USES OF STRUCTURES AND PREMISES,
AND NON-CONFORMING CHARACTERISTICS OF USE

801 INTENT

Within the districts established by this ordinance or amendments that may later be adopted there exist:

- a. Lots,
- b. Structures,
- c. Uses of land and/or structures

which were lawful before this ordinance was passed or amended but which would not conform to regulations and restrictions under the terms of this ordinance or future amendments thereto. It is the intent of the ordinance to abide by the letter and spirit of the provisions of Title 15.1, Chapter 11, Article 8, 15.1-492 of the Code of Virginia. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

802 NON-CONFORMING LOTS OF RECORD

In any district, permitted structures may be erected or enlarged on any single lot of record, notwithstanding limitations imposed by other provisions of this ordinance.

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Such lot of record must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals in the case of lots hereafter created and through action of the Planning Commission in the case of lots created heretofore.

802.1 Prohibition Against Creation of Other Lots Below Width and Area Requirements for District

No lot or parcel or portion thereof shall be used or sold in a manner diminishing compliance with lot width and area requirements established by this ordinance, nor shall any division be made which creates a lot with width or area below the requirements stated in this ordinance.

803 HIGHWAY REALIGNMENT OR CONDEMNATION

Any Lot, which by reason of realignment of a Federal or State highway or by reason of condemnation proceedings, has been reduced in size to an area less than that required by law, shall be considered a non-conforming lot of record subject to the provisions set forth in Section 802; and any lawful use or structure existing at the time of such highway realignment or condemnation proceedings which would thereafter no longer be permitted under the terms of this ordinance shall be considered a non-conforming use or structure as that term is used in this ordinance.

804 NON-CONFORMING USES OF LAND AND/OR STRUCTURES

Where at the time of passage of this ordinance or any amendments thereto lawful use of land and/or structures exists which would not be permitted by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- a. No such non-conforming use and/or structure shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance unless said enlargement does not result in an increase in non-conformity or, results in a change to a use permitted in the district:
- b. No such non-conforming use and/or structure shall be moved in whole or in part to any portion of the

Article 8 - Non-Conformities

lot or parcel other than that occupied by such use and/or structure at the effective date of adoption or amendment of this ordinance unless said move results in decreasing the degree of non-conformity or results in conformity with the requirements for the district;

- c. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land. No additional uses of a nature which would be prohibited generally in the district involved shall be permitted;
- d. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;
- e. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this ordinance;
- f. When any non-conforming use, or structure and use in combination, is superceded by a permitted use and/or structure, the use shall thereafter conform to the regulations for the district, and no non-conforming use, and/or structure shall thereafter be resumed;
- g. Where non-conforming status applies to a use and/or structure, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 per cent of the replacement cost at time of destruction. No non-conforming use shall be established after said destruction;
- h. If any such non-conforming use and/or structure of land ceases for any reason for a period of more than two years (except when government action impedes access to the premises) any subsequent use of such land and/or structure shall conform to the regulations specified by this ordinance for the district in which such land is located.

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805 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing; to an extent not exceeding 10 per cent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure, or a structure or portion thereof containing a non-conforming use, becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, rebuilt, or used except in conformity with the regulations of the district in which it is located.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

806 USES UNDER SPECIAL EXCEPTION PROVISIONS NOT NON-CONFORMING USES

Any use which is permissible as a special exception in a district under the terms of this ordinance (other than a change through Board of Zoning Appeals action from a non-conforming use to another use not generally permitted in the district) shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE 9 -- ADMINISTRATION AND ENFORCEMENT

901 ENFORCEMENT, ZONING ADMINISTRATOR

This ordinance shall be administered and enforced by an officer to be known as the Zoning Administrator who shall be appointed by the Board of Supervisors of Loudoun County, Virginia. The Zoning Administrator shall have all necessary authority on behalf of the governing body to administer and enforce the Zoning Ordinance, including the ordering in writing of the remedying of any condition found in violation of this ordinance, and the bringing of legal action to insure compliance with the ordinance, including injunction, abatement, or other appropriate action or proceeding. The Zoning Administrator shall be guided in all of his actions pursuant to this ordinance by the purposes, intent and spirit of this ordinance and the standards set forth in Article 1 of this ordinance. The Zoning Administrator may be assisted in the enforcement of this ordinance by the Health Officer, Sheriff and all other officials of Loudoun County, Virginia, pursuant to their respective fields.

902 ENFORCEMENT OF BOARD OF ZONING APPEALS DECISIONS

It shall be the duty of the Zoning Administrator to see that the decisions of the Board of Zoning Appeals are complied with.

903 ENFORCEMENT OF MINIMUM REQUIREMENTS

In enforcing the minimum requirements in zones, the Zoning Administrator shall notify by registered mail any person responsible for an alleged violation, stating the reason why it is believed that a violation exists in fact and shall require the said person either: (a) to notify the Zoning Administrator in writing that the violation has been corrected and to state in detail the manner in which such correction has been made; or (b) to deny in writing that the violation exists. If the person responsible for the alleged violation denies that a violation exists, he may appeal the decision of the Zoning Administrator pursuant to the provision of Article 11, Board of Zoning Appeals, on forms provided by the Zoning Administrator for that purpose.

Failure to reply in writing to the Zoning Administrator within five (5) days of receipt of such notice shall be deemed as cause for action, whereupon the Zoning Administrator shall proceed with enforcement as provided in this Article and in Article 13.

904 ZONING PERMITS

904.1 Permit Required - No permitted principal or accessory structure or structures permissible by special exception shall be constructed or excavation or grading therefor begun before the issuance of a zoning permit therefor by the Zoning Administrator.

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904.2 Structures Not Exceeding 500 Square Feet - Notwithstanding the foregoing, no zoning permit shall be required for any lawful structure not exceeding 500 square feet in floor area.

904.2.1 Zoning Permits in Floodplain Overlay District - Zoning Permits shall be require or all uses and activities, as defined in Section 740 of this Ordinance, occurring in the Floodplain Overlay District.

The Zoning Administrator shall review all said zoning permit applications to assure that all necessary permits have been secured by the developer from those governmental agencies from which approval is required by Federal or State law. Amended 6/20/88

904.3 Structures in Violation

No zoning permit shall be issued where it appears that the structure to be constructed or the use contemplated would be in violation of the provisions of this ordinance or any other applicable law, ordinance or regulation. The issuance of such zoning permit, however, shall not afford protection to any owner who is found to be violating this or any other applicable law, ordinance or regulation.

904.4 Forms and Information Required

An application for a zoning permit shall be made to the zoning Administrator on forms to be provided by the Zoning Administrator who shall require and be furnished with all such plans and documents as may be required to determine whether the proposed structure and facilities will be in compliance with the provisions of this ordinance. Each such application for a zoning permit shall be accompanied by the following items or as much thereof as the Zoning Administrator deems pertinent and such additional information as the Zoning Administrator may require as being pertinent.

a. Certificate from the Health Official that the proposed location meets the requirements of the Health Department concerning water supply, sewage disposal, and well testing as required by Chapter 1040 of the Codified Ordinances of Loudoun County; or where a public water and/or sewerage system is involved, a statement from the Sanitation Authority that all applicable regulations and requirements have been complied with. (Amended 11/7/88)

- b. A grading permit, as required, to be issued by the Planning Commission
- c. The intended use
- d. If a dwelling, the number of families or house-keeping units
- e. A plot plan signed by the applicant drawn to scale showing dimensions of the structure with respect to property lines and public highways; provided, however, that no plot plan shall be required in the case of any dwelling, no part of which is to be located less than 100 feet from

- any property line or right-of-way of any public highway
 - f. Number, size, location and Lighting of signs, if any
 - g. Off-street parking and other facilities
 - h. Address plat approved by the Department of Natural Resources
- (adopted 6/15/87)

904.5 Fees

If it appears that the proposed structure and use of land or structure is in conformity with the provisions of this ordinance, a zoning permit shall be issued to the applicant by the Zoning Administrator upon payment of a fee therefor (Section 908), and one copy of the plot plan shall be returned to the applicant with said permit.

904.5.1 Certificate. Whenever a zoning permit is issued, the Zoning Administrator shall also furnish the applicant with a certificate indicating that the said zoning permit has been issued and is valid for the period stipulated therein. The applicant shall thereupon deliver said certificate to the Building Inspector.

904.5.2 Time limits. Any zoning permit issued shall become invalid if a authorized work is not commenced within 6 months of the date of issuance, or is suspended or abandoned for a period of 6 months; provided that the Zoning Administrator may, upon good cause shown, extend a permit without charge for an additional period not exceeding 6 months.

905 COMMISSION PERMITS

No street, park or other public area, or public structure, or public, utility, public building or public service corporation other than railroads, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the Planning Commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination the Commission may, and at the direction of the Board shall, hold a public hearing, after notice as required by §15.1-431.

The Commission shall communicate its findings to the Board, indicating its approval or disapproval with written reasons therefore. The Board may overrule the action of the Commission by a vote of a majority of the membership thereof. Failure of the Commission to act within sixty days of such submission unless such time shall be

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extended by the Board, shall be deemed approval when the Commission notifies the owner or owners or their agents by certified mail. In case of disapproval the owner or owners or their agents may appeal the decision of the Commission to the Board within ten days after the decision of the Commission. The appeal shall be by written petition to the Board setting forth the reasons for the appeal. A majority vote of the Board shall overrule the Commission.

Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, re-construction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporation shall, not require approval unless involving a change in location or extent of a street or public area.

The Zoning Administrator shall issue a commission permit following approval by the Planning Commission. Said approval shall be subject to ratifications by the Board of Supervisors pursuant to provisions of Section 15.1-456, Code of Virginia; provided however that failure of the Board to act within sixty days of the date of transmittal of approving action of the Commission shall constitute ratification.

906 SPECIAL EXCEPTIONS

Wherever a use or structure is either listed as a permissible use or structure, or is listed as a special exception, application shall be made to the Zoning Administrator who shall refer said application to the appropriate Board and/or Commission, as required by this Ordinance. Procedures and standards for determinations affecting permissible uses or structures and special exceptions shall be as provided in Articles 7 and 9 of this Ordinance.

In cases where special exception actions require advisory review by the Planning Commission, the Commission shall, from the date of the application's filing report its findings to the Board of Zoning Appeals or Board of Supervisors within 60 days; otherwise, the application shall be deemed to possess the favorable recommendation of the Planning Commission, and shall progress forward to the appropriate Board for final action.

907 PERFORMANCE STANDARDS

907.1 Intent Concerning Determinations Involved in Administration and Enforcement of Performance Standards

Determinations necessary for administration and enforcement of performance standards set forth in Article 12 range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this ordinance that:

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- a. where determinations can be made by the zoning Administrator or other County employees, using equipment normally available to the County or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued
- b. Where technical complexity or extraordinary expense makes it unreasonable for the County to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for protecting individuals from arbitrary, and capricious administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

907.2 Simple Determinations

If the Zoning Administrator finds that determinations of the nature indicated in Section 907.1 (a) are adequate to demonstrate violations of performance standards in particular cases, and if such violations exist, he shall take or cause to be taken such lawful action as is appropriate to cause correction of such violations, and failure to obey lawful orders concerning correction of such violations shall be punishable as provided generally for violations herein, and in other laws or regulations affecting the case.

907.3 Complex Determinations

If the Zoning Administrator finds that determinations of the nature indicated in Section 907.1 (b), are required to make precise measurements regarding potential violations of performance standards set forth herein, and if in his considered judgment he believes there is violation of such performance standards, the following procedures shall be followed

- 907.3.1 Notice and answer. The Zoning Administrator shall give written notice, by registered mail or other means insuring a signed receipt for such notice, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a time limit set by the Zoning Administrator, but not to exceed 60 days. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of

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the Zoning Administrator within the time limit set constitutes cause for the Zoning Administrator to proceed with enforcement as provided in Articles 9 and 13.

The notice shall further state that upon request those to whom it is directed, technical determinations as described in this ordinance will be made, and that if violations as alleged are found; costs of such determinations shall be charged against those responsible for the violation; in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the County.

- 907.3.2 Correction of violation. If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted
- 907.3.3 Action - continuation of violation. If there is no reply within the time set (thus establishing admission of violation as provided in 907.3.1) and the alleged violation is not corrected to the satisfaction of the administrative official within the time limit set, he shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
- 907.3.4 Time extension. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the administrative official, but requesting additional time, the administrative official may grant an extension if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health or property. If the extension is not granted, the Zoning Administrator shall proceed to bring legal action as provided in Section 901 of this ordinance.
- 907.3.5 Costs of determinations - responsibility. If reply is received within the time limit set requesting technical determination as provided in this ordinance, and if the alleged violations continue, the administrative official may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the

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properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the terms of Article 13, Violations and Penalties.

If no violation is found, the costs of the determinations shall be paid by the County without assessment against the properties or persons involved.

908 FEES FOR PERMITS, AMENDMENTS

Fees for Zoning Permits, Commission Permits, Sign Permits, Applications for Amendments, or other applications requiring a fee shall be payable to "Treasurer, Loudoun County" in the amount set by resolution of the Board of Supervisors.

Exceptions for payment of fees are cited in Article 12.

909 DISCLOSURE OF REAL PARTIES IN INTEREST

- a. Mandatory Disclosure of Real Parties in Interest. All applicants for zoning map amendment petitions, special exceptions, and variances shall disclose at the time of application the equitable ownership of the real estate which is the subject of the application. In such cases, the applicant shall list the names and addresses of all persons who hold a beneficial interest in the subject property. However, the requirement of listing names of stockholders, officers, and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. The applicant shall keep this information current at all times during the processing of the application.
- b. Mandatory Disclosure of Public Officials' Interest. The applicant shall further make oath or affirmation stating whether or not any member of the local Commission, Board of Zoning Appeals, or governing body has any interest in such property, either individually, by ownership of stock in a corporation owning such land, or partnership, or whether a member of the immediate household of any member of the Commission, Board of Zoning Appeals, or governing body has any such interest.
- c. Voluntary Disclosure of Campaign Contributions. In addition, all applicants for zoning map amendment petitions, special exceptions and variances shall be requested to disclose voluntarily in writing at the time of application the names and addresses of all real parties in interest, including the names and addresses of persons who hold a beneficial interest in the subject property have, within five years of the application date, contributed gift or donation, more than one hundred dollars to any current member of the Board of Supervisors.

ARTICLE 10 -- DEFINITIONS

1001 GENERAL USAGE

For the purpose of this ordinance, certain words and terms are herein defined as follows:

Words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number; unless the obvious construction of the wording indicates otherwise.

The word "shall" is mandatory.

Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

The word "building" includes the word "structure"; the word "lot" includes the words "plot" and "parcel".

The word "used" shall be deemed also to include "erected", "reconstructed", "altered", "placed", or "moved".

The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of a building".

The word "State" means the Commonwealth of Virginia.

The word "County" means the County of Loudoun, Commonwealth of Virginia, and the terms "county boundary" means any exterior boundary of the county or any boundary of unincorporated territory within the county.

The term "construction standards" means the Department of Engineering and Inspections design and construction standards as approved by the Board of Supervisors.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The term "Code of Virginia" shall include "as amended".

The word "adjacent" means "nearby" and not necessarily "contiguous".

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1002 INTERPRETATION BY ZONING ADMINISTRATOR

In case of any dispute over the meaning of a word, phase or sentence, whether defined herein or not, the Zoning Administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this ordinance as set forth in Article 1, provided however that an appeal may be taken from any such determination as provided in Section 1102.1.1.

1003 DEFINITIONS

ACCESS: A means of approach or admission.

ACCESSORY BUILDING: A building subordinate to, and located on the same lot with a main building, the use or which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building.

ACCESSORY USE: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

AIRPORT (Including Air Park, Flight Strip, and Airfield and Heliport): A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, or be stored.

ALLEY: A right-of-way which provides secondary service access for vehicles to the side or rear of abutting properties.

AMEND OR AMENDMENT: Any repeal, modification, or addition to a regulation; any new regulation; any change in the number, shape, boundary, or area of a district, or any repeal or abolition of any map, part thereof, or addition thereto.

AMUSEMENT PARK: A commercial recreational activity of a permanent nature offering amusements and diversions and operating either seasonally or all year long.

AUTOMOBILE FILLING STATION: Automobile filling stations shall be considered as buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other.

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- a. Sale and servicing of spark plugs, batteries, and distributor parts
- b. Tire servicing and repair, but not re capping or regrooving
- c. Replacement or adjustment of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like
- d. Radiator cleaning and flushing, provision of water, anti-freeze and the like
- e. Washing and polishing, and sale of automotive washing and polishing materials
- f. Greasing and lubrication
- g. Providing and repairing fuel pumps, oil pumps and lines
- h. Servicing and repair of carburetors
- i. Emergency wiring repairs
- j. Adjusting and repair brakes
- k. Minor motor adjustments not involving removal of the head or crankcase or racing the motor
- l. Provision of cold drinks, packaged foods, tobacco, and similar convenience goods for gasoline supply stations customers, but only as accessory and incidental to principal operation
- m. Provision of road maps and other informational and material to customers; provision of restroom facilities

Uses permissible at an automobile filling station do not include major mechanical and body work, straightening of frames of body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, or any activity involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in automobile filling stations.

AUTOMOBILE PARKING LOT, COMMERCIAL: A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked motor vehicles, parts thereof, or junk.

AUTOMOBILE SALES LOTS: A lot arranged, designed, or used for the storage and display for sale of any motor vehicle or any type of trailer provided the trailer is unoccupied, and where no repair work

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is done except minor and incidental repair of automobiles or trailers displayed and sold on the premises

BASEMENT: That portion of a building below the first floor joists at least half of whose clear ceiling height is above the mean level of the adjacent ground.

BED AND BREAKFAST HOME STAY ESTABLISHMENT: A single-family dwelling in which the principal use is permanent residential quarters; and in which, as an accessory use, no more than three bedrooms are made available for transient occupancy, generally for not more than seven days, by no more than five guests for compensation. (adopted July 21, 1986)

BLOCK: That property abutting one side of a street, and lying between the two nearest intersecting streets or the nearest intersecting or intercepting street and railroad right-of-way, unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development.

BOARD: The Board of Supervisors of Loudoun County, Virginia.

BOARD OF SUPERVISORS: The Board of Supervisors of Loudoun County, Virginia; the governing body.

BUFFERING OR SCREENING: For the purposes of this ordinance, screening or buffering shall be defined as any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties, wherever required by this ordinance. Whenever used for screening or buffering purposes, "natural growth" shall be taken to mean coniferous trees, bushes and shrubbery.

BUILDING: A structure having one or more stories and roof, designed primarily for the shelter, support or closure of persons, animals or property of any kind.

BUILDABLE AREA: The area of the lot remaining after required yards have been provided. (Amended by BOS 5/17/84)

BUILDING COVERAGE; LOT COVERAGE: All areas under roof or projections from buildings on a lot.

BUILDING INSPECTOR: An appointed official of Loudoun County who is responsible for certifying building inspections.

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling should be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

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CAMP, BOARDING: As for Camp, Day, except that uses and structures for the lodging of guests shall be permitted in locations appropriate for extensive outdoor recreation.

CAMP, DAY: A lot, tract or parcel of land operated as either a commercial or non-commercial enterprise in which seasonal facilities are provided for all or any of the following: cawing, picnicking, boating, fishing, swimming, outdoor games and sports and activities incidental and relating to the foregoing, but not including miniature golf grounds, golf driving ranges, mechanical amusement device, or permanent structures for housing of guests.

CARPORT: Any space outside a building and contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. An unenclosed carport is a carport with no side enclosure that is more than eighteen inches in height, exclusive of screens (other than the side of the building to which the carport is contiguous).

CARNIVAL: A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

CELLAR: That portion of a building below the first floor joists at least half of whose clear ceiling height is below the mean level of the adjacent ground. Such a portion of a building shall not be used for habitation.

CIRCUS: A traveling or transportable show or exhibition consisting of performances by persons and animals under one tent or similar structure, with or without other side shows.

CLUSTER DEVELOPMENT: An arrangement of structures on adjoining lots in groupings allowing closer spacing than would be generally permitted under ordinance requirements for lot widths with the decrease in lot width or area compensated by maintenance of equivalent open space either elsewhere on the lot or in the form of common open space.

COMMERCIAL: Any wholesale, retail, or service business activity established to carry on trade for a profit.

COMMERCIAL REPAIR GARAGE: A service business primarily for repair of vehicles where sale of gaso-

line and vehicle accessories may be an accessory activity.

COMMON OPEN SPACE: An open tract, or parcel of land owned in undivided interest, not devoted to residential uses or structures but directly related, and adjunct to a cluster development or planned development, as herein provided.

CONVENIENCE STORE: A commercial establishment designee, and intended to serve daily or frequent trade needs of the surrounding population, generally characterized by the retail sale of food, the rapid turnover of customers, high traffic/trip generation, and less than 5,000 square feet of retail area. (Adopted March 17, 1986)

COUNTRY INN: A single-family dwelling in which the principal use is permanent residential quarters; and in which, as an accessory use, accommodations for from six through ten guests in four through nine rooms are made available for transient occupancy for compensation, generally for not more than seven days.

COUNTY: Loudoun County, Virginia.

COUNTY ENGINEER: An appointed official of Loudoun County who is a licensed professional engineer, or his designated deputy.

COUNTY RESIDENT ENGINEER: The Resident Engineer in Loudoun County, Virginia, of the Department of Highways of Virginia, or his designated deputy.

COURT: An open, unoccupied space, other than a yard with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

DEVELOPMENT: The process of erecting or causing to be erected buildings or structures on a lot.

DIRECTOR OF PLANNING: An appointed County official, who serves as the Director of Planning for Loudoun County, Virginia; his designated deputy.

DRIVEWAY: A space or area specifically designated and reserved on a lot for the movement of vehicles from one lot to another or from a lot to a public street.

DRIVE-IN EATING ESTABLISHMENT: Any place or premises use for sale, dispensing, or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premises; a refreshment stand; a "fast food" or primarily a "carry out" establishment.

DUPLEX: A two family residential structure; the residential units may be arranged one above the other, or be semi-detached.

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DUSTLESS SURFACE: A surface adequately covered in practice; with a minimum of either two applications of bituminous surface treatment, concrete, bituminous concrete, or equivalent paving material approved by the County Engineer and to be maintained in good condition at all times.

DWELLING: A dwelling unit.

DWELLING ATTACHED: One of two or more residential buildings having a common or party wall separating dwelling units.

DWELLING, MULTI-FAMILY: A building containing three or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING PORTABLE: A modular unit built on a chassis, having wheels or designed to be transported on wheels, with body width exceeding eight (8) feet or body length exceeding 32 feet, designed to be used as a dwelling when attached to a permanent foundation and when connected to the required utilities.

Double-Wide or Triple-Wide Portable Dwelling: A portable dwelling consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.

Expandable Portable: A portable dwelling with one or more room sections that fold, collapse or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

DWELLING, SINGLE FAMILY: A residential dwelling unit other than a portable dwelling, designed for and occupied by one family only.

DWELLING, SEMI-DETACHED: One of two buildings, arranged or designed as dwellings located on abutting walls without openings, and with each building having a separate lot with minimum dimensions required by district regulations.

DWELLING, TEMPORARY: As a portable dwelling but not necessarily attached to a permanent foundation.

DWELLING, TWO FAMILY: A residential building containing not more than two dwelling units, arranged one above the other or side by side, de-

signed for occupancy by not more than two families.

DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities and containing not less than 600 square feet of residential floor area.

Modular Unit: A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at the site.

Sectional Home: A dwelling made of two or more modular units transported to the home site, put on a foundation, and joined to make a single dwelling.

EASEMENT: A grant by a property owner of the use of his land by another party for a specific purpose.

ERECTED: Shall be taken to mean constructed, reconstructed, moved or structurally altered.

EXTRACTIVE INDUSTRIES. Extractive industries are defined as stone quarries, that is, commercial or industrial operations involving removal from a site of natural accumulations of sand, rock, soil or gravel. The meaning of extractive industries includes appurtenant structures such as crushers, screeners, and washers but does not include any other industrial use, such as concrete batching plants or asphalt mixing plants. (Adopted 9/15/86 by BOS).

FAIRGROUND: A parcel or tract of land used, either temporarily or permanently (as permitted herein), as the site of any fair, exposition or public display.

FAST FOOD ESTABLISHMENT: See "Drive-In Eating Establishment".

FLOOD PLAIN: Continuous sections of land, adjacent to bodies of water, which are subject to periodic flooding and inundation.

FLOOR AREA, (RESIDENTIAL) - EXCEPTIONS: The aggregate area of all floors included within the outer wall of a building, measured at the exterior of such walls, excluding basements not used for living or recreational purposes, cellars, rooms for heating equipment, garages and unenclosed porches, breezeways and other unheated area and including only such floor area under a sloping ceiling for which

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the headrooms is not less than five feet, six inches and then only if at least fifty percent of such floor area has a ceiling height of not less than seven feet, four inches and provided any such floor area that is situated above another story has access to the floor below by a permanent built-in stairway.

FRONTAGE: Lot width.

FUNERAL PARLOR: An establishment used primarily for human funeral services, which may or may not include facilities on the premises: (a) embalming, (b) performance of autopsies or other surgical procedures, (c) cremation.

GUEST HOUSE: Dwelling or lodging units for temporary non-paying guests in an accessory building. No such quarters shall be occupied by the same guests for a period of more than three months in any 12 month period, and no such quarters shall be rented, leased, or otherwise made available for compensation of any kind.

HEALTH OFFICIAL: The Director of the Loudoun County Department of Health or his designated deputy; Health Officer.

HELIPORT: An area, either at ground level or elevated on a structure, licensed or approved for the loading and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.
(Adopted April 21, 1986)

HOME OCCUPATION: An occupation conducted in a dwelling unit, provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 per cent of the floor area of the dwelling unit or 25 per cent of said floor area if conducted in an accessory building, shall be used in the conduct of the home occupation
- c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non-illuminated
- d. There shall be no sales, other than items handcrafted on the premises, in connection with such home occupation
- e. No traffic shall be generated by such home occupation in greater volumes than would normally

be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

- f. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises. Boarding and rooming houses, tourist homes, and private educational institutions shall not be deemed home occupations.

HOME-OWNERS' ASSOCIATION: A non-profit organization operating under recorded land agreements through which: (a) each lot and/or home-owner in a clustered or planned development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property.

HOSPITAL MAJOR: An institution as defined under HOSPITAL, SANITARIUM, SANATORIUM with accommodations for 50 or more in-patients. (Added 10/7/85)

HOSPITAL MINOR: An institution as defined under HOSPITAL, SANITARIUM, SANATORIUM with accommodations for less than 50 in-patients. (Added 10/7/85)

HOSPITAL, SANITARIUM, SANATORIUM: Any licensed and State of Virginia accredited institution receiving in-patients and rendering medical and/or surgical care. This shall include general hospitals and institutions in which service is limited to special fields such as cardiac, eye, ear, nose, throat, pediatric, orthopedic, dermatology, cancer, mental, tuberculosis, chronic disease, and obstetrics. The term "hospital" shall also include sanitariums and sanitariums, including institutions wherein mentally handicapped, emotionally disturbed, epileptic, and drug dependent patients are treated or cared for under the supervision of licensed medical personnel.

HOTEL: Any building containing 10 or more guest rooms, where, for compensation, lodging, meals, or bath are provided for 10 or more guests, excluding a fraternity or sorority house, school, or college dormitory, tourist home, motel, or apartment hotel. Ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. (Amended April 21, 1986)

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INOPERABLE VEHICLE: A motor vehicle, trailer, or attachment thereto which is required by the State of Virginia to display current license plates and/ or meet safety standards as evidenced by display of an approved inspection sticker, which vehicle, trailer, or attachment therefore does not display said license plates and/or approved inspection sticker.

JUNK YARD: Any land or building used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

LANDSCAPE ARCHITECT: An individual who is recognized by the State and who is registered with the state department of professional and occupational registration as a "landscape architect".

LANDSCAPED OPEN SPACE: For the purposes of this ordinance, landscaped open space shall be defined as an open area which is in accordance with requirements set forth herein. Such landscaping shall include appropriate grassing of the open area, placement of shrubbery and trees, walkways, and appropriate grading such as to render the required open space area aesthetically pleasing.
Also: Landscaped.

LIVABILITY SPACE: Open space used for people, planting, and visual appeal which does not include car or parking areas.

LOADING SPACE: Any off-street space available for the loading or unloading of goods, not less than fifteen feet wide, twenty-five feet long and fourteen feet high, and having direct useable access to a street or alley, except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to and not separated from such first loading space need not be wider than twelve feet.

LODGING UNIT: Living quarters for a family which living quarters do not contain independent kitchen facilities, provided, however, that dwelling units available for occupancy on a rental or lease basis for periods of less than one week shall be considered lodging units even though they contain independent kitchen facilities.

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LOT: A parcel of land occupied or to be occupied by a building and its accessory buildings or by group dwellings and their accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having at least the minimum area required by this ordinance for a lot in the zone in which such lot is situated, and having its principal frontage on a Class I, II, or III road. The term "record lot" means the land designated as a separate and distinct parcel of land on a legally recorded subdivision plat filed among the land records of Loudoun County, but does not include land identified on any such plat as an outlot.

LOT AREA: The total horizontal area included within the rear, side and front lot lines or proposed street lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas and other accessory uses; provided, lot area may include dedication of land as specified in Section 545. Lot area shall not include portions under water except where the total area of a body of water is within the lot or where the width included as part of the area of the lot does not, exceed 30 feet. As amended 6/20/88.

LOT, CORNER: A lot abutting on two or more streets at their intersection, where the interior angle of the intersection does not exceed one hundred thirty-five degrees.

LOT, DEPTH OF: The average horizontal distance between the front lot line and the rear lot line, measured along a straight line.

LOT, INTERIOR: Any lot other than a corner lot, but including a through lot.

LOT, THROUGH: An interior lot, fronting on two parallel or approximately parallel streets.

MANEUVERING SPACE: An area directly related to required parking areas, designed to permit easy vehicular movement. Maneuvering space shall not be considered as part of any required "parking space" or "loading space".

MAJOR ROAD: A collector or arterial road.

MOTEL: Any group of dwelling units, combined or separated, used for the purpose of housing transient guests, each unit of which if, provided with its own toilet, washroom and off-street parking facility.

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NON-PROFIT ORGANIZATION: An incorporated organization or group chose charter prohibits profit-making endeavors, and which enjoys tax exemption privileges.

NON-VEHICULAR OPEN SPACE: Livability space.

NURSING HOME: A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries, not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

ON-SITE: On-site shall be construed to be describing location on all, or a portion, of a parcel of land which is the subject of an application for approval by the Board of Supervisors, Planning Commission, or Board of Zoning Appeals, and which parcel of land is in single ownership or under unified control.

OFF-SITE: Describing a location on an area of land which is proximate to a parcel of land defined as "on-site".

PARKING, OFF-STREET: Any space specifically allotted to the parking of motor vehicles; such space shall not be in a public right-of-way.

PARKING SPACE, OFF-STREET: A space suitable for parking one automobile and including adequate driveways, if necessary, to connect such space with a public right-of-way. Space within a building, or upon a roof, allocated for parking, shall be included and considered a pares of the required spaces.
(Adopted April 21, 1986)

PERSONAL SERVICES: Establishments primarily engaged in providing services involving the care of a person or his or her apparel. These services usually include, but are not limited to, laundry, cleaning and garment services, garment pressing, linen supply, diaper service, coin operated laundries, carpet and upholstery cleaning, photographic studios, beauty shops, barber shops, shoe repair, and clothing rentals.

PLANNING COMMISSION: The Planning Commission of Loudoun County, Virginia; Commission.

PLAY SPACE: An off-street space available and usable for play by children; a "tot-lot"; a playground.

PORCH: The tern "porch" shall include any porch, veranda, gallery, terrace, portico or similar projection from a main wall of a building and covers by a roof, other than a carport as defined in this chapter. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen inches in height, exclusive of screens.

PRIVATE SCHOOL: Shall include private schools, colleges or universities, private instructional/training institutions.

PRIVATE LANE: A means of access other than a Class I, Class II, or Class III road.

PROPERTY LINE, FRONT: A line running along the front of a lot, from side lot line to side lot line, separating the lot from any street right-of-way or street easement.

PUBLIC FACILITIES: Shall be considered for the purposes of this ordinance to be any public works supplied generally by a governmental organization. Such public works shall include but not be limited to: public roads, schools, water supply and sewer facilities, and police and fire protection facilities.

PUBLIC ACCESS RIGHTS: A legal easement, or series of easements which grant and guarantee the right of access for emergency and public service vehicles to any given area or right-of-way.

QUICK PRINT SHOPS: Establishments that provide photocopying, typesetting, graphic layout, color separation, small sheet fed offset printing with motors of less than one horsepower, and related services (adopted March 17, 1986).

RATED CAPACITY: The carrying capacity of a truck, specifically the numerical difference in pounds between empty vehicle weight and gross vehicle weight as identified on Department of Motor Vehicle Records. Provided, however, that any truck with a bed more than 7 feet wide, 9 feet long, or 6 feet in height (measured from ground level) shall be deemed to have a rated capacity of more than 1-1/2 tons. Amended 7/18/88.

RECREATION AREA, COMMERCIAL: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, lodging, picnicking, boating, fishing, swimming, outdoor games and sports, and activities incidental and related to the foregoing. A commercial recreation area does not include miniature golf grounds, golf driving ranges, mechanical amusement devices, or accessory uses such as refreshment stands, equipment sales or rentals.

RECREATIONAL VEHICLE UNIT: A travel trailer, pick-up camper, motorhome, tent trailer, or similar device used for temporary housing.

RECREATIONAL VEHICLE PARK: A parcel of land in which one or more spaces are occupied or intended for occupancy by units for transient dwelling purposes.

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RECREATIONAL VEHICLE UNIT SPACE: A parcel of land in a recreational vehicle park for the placement of a single recreational vehicle unit and the exclusive use of its occupants.

REST HOME, CONVALESCENT HOME: Any place containing beds for two or more patients, established to render domiciliary care for chronic or convalescent patients, but not including child care homes, or facilities for the cure of feeble-minded, mental, epileptic alcoholic patients, or drug addicts.

RESTAURANT: Any establishment, however designated, at which food is sold for consumption on the premises. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, playfield or park, operated solely by and for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant.

RETAIL STORES AND SHOPS: Buildings or land used for sale of merchandise at retail or for the rendering of personal services, including, but not limited to, the following: barber shop, beauty parlor, drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop; but specifically excluding coal, wood and lumber yards

ROAD: Shall include the terms street, avenue, way, court, drive and the like.

ROAD, CLASS I: Roads which are part of the State maintained highway system at the time of adoption of this ordinance.

ROAD, CLASS II: Roads meeting Virginia Department of Highways' specifications, and acceptable for maintenance by the State, bonded as provided in the Loudoun County Subdivision Ordinance, or are accepted in the State maintained highway system after the effective date of this ordinance.

ROAD, CLASS III: Private roads on a 50-foot right-of-way which are created after the date of passage of this ordinance and which provide easement for public access.

ROOMING HOUSE: A dwelling in which, for compensation, lodging is furnished to three or more but not exceeding nine guests; a boarding house.

SANITARY LANDFILL: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse

Article 10 - Definitions

to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary (definition from: ASCE -- Manuals of Engineering Practices No. 39, New York, ASCE, 1959: p.61)

SIGNS: Any device for visual communication out-of-doors which is used for the purpose of bringing the subject thereof to the attention of the public, but not including when standing alone, a flag, emblem, badge, or insignia of any governmental unit.

SIGN - AREA OF: The area of a sign shall be determined from its outside measurements including any wall work incidental to its decoration, but excluding as a part the height and overall width of supports, unless such supports are used to attract attention. In the case of a sign where lettering appears back to back, that is, on opposite sides of the sign, the aggregate area of both sides shall be considered that of only one face. In the case of an open sign made up of individual letters, figures, words, or designs, the spaces between the same shall be included.

SIGN - TEMPORARY: A sign advertising a candidacy for public office or an event of public interest, such as a public or general election, church or public meeting, fair, horseshow, turkey shoot, entertainment for charitable purposes and other similar social activities of temporary duration or non-recurring nature.

SIGN-ILLUMINATED: A sign, or any part of a sign, which is illuminated, externally or internally, by lights from a source located for the specific purpose of such lighting.

STABLE, COMMERCIAL: An establishment where animals are cared for, boarded, and/or let for hire.

STREET: A Class I, Class II, or Class III road.

STREET, CENTER LINE OF: A line established as a center line of a street by any State, County, or other official agency or governing body having jurisdiction thereof and shown as such on an officially adopted or legally recorded map, or, if there be no official center line of a street between the street or right-of-way lines thereof.

Article 10 - Definitions

Where street lines are indeterminate and a pavement or a traveled way exists, the center line shall be established by the Commission, or in the absence of a determination by the Commission, shall be assumed to be a line midway between the edges of such pavement or traveled way.

STRUCTURE: An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, platforms, stagings, observation towers, radio and TV broadcasting towers, water tanks, trestles, piers, open sheds, coal bins, shelters, walls, power line towers, pipelines, and railroad tracks.

STRUCTURAL ALTERATION: Any change, modification, addition or deletion to an existing structure.

THEATRE, INDOOR: A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts, dramas by actors and/or actresses.

TESTING STATION: Land and/or structures for the purpose of testing electromagnetic waves utilized for radios, television, microwave, radar, and other means of communication. This use shall not include testing operations for light, X-ray, radioactive emissions, or any other emissions dangerous to human health. (Added January 17, 1984.)

TRANSITIONAL USE: Permissible uses, as regulated herein, which by their level and scale of activity, serve as a transition between two or more types or densities of land uses.

USE: The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

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UNDISTURBED GRADE: The grade and elevation of an prior to excavation, filling, or grading.

VDH: The Virginia Department of Highways.

WAYSIDE STAND: Any structure or land used for the sale or offering for sale by the owner, or his family or tenant, on any farm, of agricultural or horticultural produce, livestock or merchandise coming from a home occupation and produced solely on said farm, and which is clearly a secondary use of the premises and does not change the character thereof.

ARTICLE 11 -- BOARD OF ZONING APPEALS

1101 ORGANIZATION

1101.1 Continuation of Existing Board

The Board of Zoning Appeals, hereinafter referred to as BZA, heretofore established shall continue as the Board of Zoning Appeals under the provisions of this article and pursuant to authority and provisions of Section 15.1-494.

1101.2 Term of Office, Vacancies

The term of office of the members of the BZA shall be for five (5) years each except that original appointments have been made for such terms that the terms of one member shall expire each year. Vacancies occurring in the BZA shall be filled for the unexpired term only.

1101.3 Disqualification

Any member of the BZA shall be disqualified to act upon a matter before the BZA with respect to property, in accordance with Sections 2.1-352 and 2.1-353 of the Code of Virginia.

1101.4 Chairman

The BZA shall choose annually its own chairman and, in his absence, an acting chairman.

1101.5 Secretary

The Zoning Administrator shall serve as secretary to the BZA, prepare minutes of meetings, keep all records, and conduct official correspondence. When authorized by the Board of Supervisors, a court stenographer shall be employed to record such proceedings as the Board may direct.

1101.6 Secretary, Alternate

In the absence of the Zoning Administrator at any meeting, the BZA shall appoint some other person, who may or may not be a member of the BZA, to prepare the minutes thereof.

1101.7 Rules and Regulations

Subject to provisions of this article and the general laws of the Commonwealth of Virginia, the BZA shall adopt such rules and regulations as it may deem necessary for the proper conduct of its business, and to carry into effect the provisions of this ordinance.

Article 11 - Board of Zoning Appeals;

1102 APPLICATIONS FOR BOARD OF ZONING APPEALS CONSIDERATION

1102.1 Applications to the BZA May be Made By:

1102.1.1 Appeals. Any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of this ordinance.

1102.1.2 Variance. Any person seeking a variance from the strict application of certain regulations of this ordinance, pursuant to provisions of Section 15.1-495B of the Code of Virginia.

1102.1.3 Special exception. Any property owner, tenant, government official, department, board or bureau seeking a special exception to use property in a manner authorized by the provisions of this ordinance.

Applications shall be delivered or mailed to the Board of Zoning Appeals. of Loudoun County, Virginia, c/o the Zoning Administrator, Leesburg, Virginia. At the same time a copy of the application shall be mailed to the Secretary of the Planning Commission, Leesburg, Virginia, and another copy shall be mailed to the individual, official, department, or agency concerned, if any, as determined by the Zoning Administrator.

The application shall be accompanied by a check payable to "Treasurer, Loudoun County, Virginia" for the appropriate fee (Section 908). In addition, each such application shall contain a concise statement of the subject to be brought before the BZA.

1102.2 Application for Special Exception - Procedure

In the case of an application for a special exception, the applicant shall first submit his proposal to the Zoning Administrator on a form to be provided by the Zoning Administrator, including therewith all plans and information relating to the application required by the BZA pursuant to Section 15.1-496 of the Code of Virginia, 1950. The proposal shall then be advertised pursuant to provisions of Section 15.1-431 of the Code of Virginia prior to public hearing by the Planning Commission and/or BZA, or directly to the BZA pursuant to the provisions and requirements of this ordinance.

1102.3 Application for Variance - Procedure

In the case of an application for a variance the same procedure shall be followed as for a special exception.

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1102.4 Appeals - Procedure

In the case of an appeal, procedures to be followed shall be in strict accordance with Section 15.1-496 of the Code of Virginia.

1103 WITHDRAWAL OF APPLICATION OR APPEAL

An application or appeal may be withdrawn by the applicant or appellant at any time prior to the deadline for cancellation of the newspaper advertisement provided for in this article. After said deadline, an application or appeal may be withdrawn only with the permission of the BZA. An application or appeal which is not withdrawn pursuant to this subsection shall be either granted or denied on the merits, by the BZA, either in whole or in part.

1104 RE-APPLICATIONS

If any application is denied by the BZA on the merits, no application requesting the same relief with respect to all or part of the same property shall be considered by the Board within twelve (12) months after the date of such denial.

1105 HEARING OF APPLICATION

1105.1 Time and Notice

Upon receipt of an application or appeal, the BZA shall fix a reasonable time for a hearing of such application or appeal, and in addition to the notice conforming to Section 15.1-431 of the Code of Virginia shall cause to be posted, at least ten (10) days before such hearing, a poster calling attention to the nature and substance of the appeal or application, the land involved, the name of the applicant or appellant, and the date and place of the public hearing. The BZA shall prescribe the form of said poster, which shall be affixed to a pole, post, fence, or structure on the land involved, if practical, or if not, within three hundred (300) feet thereof, and in either event, in such location as to be clearly visible from a public road. Upon the hearing, any party may appear in person or by agent or by attorney.

1105.2 Meetings and Hearings

Meetings or hearings of the BZA shall be held at the call of the chairman, or acting chairman, or at the request of any two members, provided that notice thereof has been mailed to each member of the BZA at least seven days before the time set, or that a waiver or notice is obtained from each member. Three members shall constitute a quorum

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for the transaction of any official business. The presiding chairman may administer oaths and compel the attendance of witnesses (§15.1-496). Every person before the rostrum shall abide by the order and direction of the chairman or acting chairman. Discourteous or disorderly or contemptuous conduct shall be regarded as a breach of the privileges extended by the BZA and shall be dealt with as the chairman deems proper. All hearings of the BZA shall be open to the public. The BZA shall keep minutes of its proceedings showing the number of votes for and against, or failure to vote on each question, and shall keep records of its examinations and other official actions, all of which shall be filed promptly in the office of the Zoning Administrator and shall be a public record.

1105.3 Decision

The BZA shall render a decision on any application submitted to it within ninety (90) days of filing. An application shall not be deemed filed until the applicant has met all submission requirements set forth in, or under authority of, this ordinance (amended June 17, 1986).

1105.4 Rehearings

A request for a rehearing shall be in writing and shall be delivered to the Zoning Administrator within fifteen (15) days after the date of the decision of the BZA. It shall recite the reasons for the request. A rehearing may then be granted by the chairman or upon the affirmative vote of any two members.

1106 POWERS AND DUTIES

The BZA shall have the following powers and duties:

1106.1 Appeal from Decision

To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance.

1106.2 Variance - Unnecessary Hardship

To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the ordinance shall be observed and substantial justice done, as follows:

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1106.2.1 Exceptional narrowness, shallowness, size, etc.

When a property owner can show that his property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this ordinance.

1106.2.2 Variance, authorization - conditions

No such variance shall be authorized by the BZA unless it finds:

- a. That the strict application of the ordinance would produce undue hardship
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance

No such variance shall be authorized except after notice and hearing as required by this ordinance.

1106.2.2.1 Condition not of general or recurring nature. No variance shall be authorized unless the BZA finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

1106.2.2.2 Imposing of conditions - variance. In authorizing a variance the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

1106.2.2.3 Floodplain Overlay District - Variance - No variance shall be authorized by the Board of Zoning Appeals for alteration within the floodway portion of the Floodplain Overlay District (as "floodway" is defined in Section 740.9(2) (a)), if any increase in the One Hundred (100) Year Flood Elevations would result.

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1106.3 Imposing of Conditions - Zoning Administrator's Decision, Special Exception Application

To hear and decide appeals from the decision of the Zoning Administrator or applications for such special exceptions as may be authorized in the ordinance. The BZA may impose such conditions relating to the use for which a permit is granted as it may deem necessary in the public interest and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

No such special exception may be granted except after notice and hearing as provided in this ordinance.

1106.4 Interpretation of District Boundaries

To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by this ordinance, the BZA may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. The BZA shall not have the power, however, to rezone property or to substantially change the locations of district boundaries as established by this ordinance.

1107 CONDITIONS AND STANDARDS

1107.1 Conditions

The BZA may, when granting a special exception, impose conditions thereon, such as provisions for fencing, planting or other landscaping, additional set-backs from property lines, location and arrangement of lighting, setting of reasonable time limitations, and other reasonable requirements deemed necessary to safeguard the interest of the general public.

Wherever there is a question as to the propriety of location and/or type of use proposed, it shall be the burden of the applicant to prove that no deleterious effects will occur as a result of the development of his proposed use or structure.

1107.2 Standards (as amended December 6, 1982)

In fulfilling the purposes and intent of this ordinance as set forth in Article 1, the BZA in exercising the powers and duties granted and imposed by the ordinance, shall be guided by the following standards which shall be in addition to any other standards imposed by this ordinance:

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To preserve the agricultural character of the County, and to discourage the inappropriate location of non-farm uses in agricultural areas.

To conserve the ground water supply in the areas of the County where it is limited.

To prevent high population density on soils that are incapable of providing adequate water supply, or of meeting proper sanitary requirements for sewage disposal.

To protect against the overcrowding of land and undue density of population in relation to the community facilities existing or available.

To facilitate orderly highway development and transportation, and lessen traffic hazards and congestion.

To protect residential sections from unnecessary traffic, fire hazards, noise, noxious fumes, or offensive odors and other unwholesome conditions and influences.

The proposed use at the specified location shall be in harmony with the policies embodied in the adopted comprehensive plan.

The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

The proposed use shall be such that it will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the applicable provisions of the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

ARTICLE 12 -- AMENDMENTS AND SPECIAL EXCEPTIONS GRANTED
BY THE BOARD OF SUPERVISORS.

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Board of Supervisors may amend, supplement, or change the regulations in the Zoning Ordinance, or the zoning boundaries or classification of property on the zoning map, in conformity with the provisions of Title 15.1, Article 8, Chapter 11 of the Code of Virginia (1950), as amended, and the provisions and purposes of this Article.

1201 STATEMENT OF PURPOSE AND INTENT

The Board finds that a portion of the police power of the Commonwealth has been delegated to each County, to be exercised reasonably in determining the manner of its development. The Virginia Legislature has left much discretion to the County in making such determinations, relying on the local governing body's knowledge of local conditions and the needs of its individual communities. Public necessity, health, safety, convenience, general welfare, good zoning practice and the aesthetic values and priorities of the local citizenry provide guiding factors for the Board of Supervisors in its quest to exercise its legislative mandate in formulating a reasonable policy of county planning for the general good and welfare.

Development pressures caused by a myriad of social and economic factors have brought many new individuals and families into Loudoun County, necessitating the provision of additional public schools, parks, recreational sites, open spaces and other facilities for these new residents. These additional facilities require the expenditure of additional public sector funds and periodic alteration of zoning patterns. In order that these additional facilities for the use and benefit of the new residents may be provided, and properly located and preserved, as the County develops; and in order that the purposes of this ordinance may be furthered, and the public necessity, health, safety, convenience, and general welfare promoted by equitably apportioning the cost of providing the additional facilities on the basis of the additional needs created by the development, the following provisions of this article are established:

1202 INITIATION OF AMENDMENTS

The Board of Supervisors may amend this ordinance by amending the text thereof, including the text of the schedules contained in Article 4, or by changing any district boundary shown on the adopted zoning map, provided that proceedings for any amendment shall be initiated only in the following manner:

Article 12 - AMENDMENTS AND SPECIAL EXCEPTIONS GRANTED BY THE BOARD OF SUPERVISORS.

1202.1 Property Owner Petition

By the filing with the Board of Supervisors of a petition of any owner or owners of land proposed to be rezoned, which petition shall be addressed to the Board and shall be on a standard form and accompanied by a reasonable fee to be determined in accordance with a fee schedule separately adopted by the Board of Supervisors. Application fees are hereby waived for the following applicants:

- a. Applications for a requested amendment from any district to an Historic Area district;
- b. Applications for a requested amendment from any district to an A-10 district;
- c. Applications for amendment, special exception, or commission permit sought by the following governmental agencies;
 1. Loudoun County School Board;
 2. Loudoun County Sanitation Authority;
 3. Any agency, board or division acting in the name of the Board of Supervisors of Loudoun County.

Any such owner or owners of land may voluntarily proffer any reasonable conditions not prohibited by law, in addition to the regulations provided for by this ordinance for the zoning district for which said owner or owners has made application, provided that such proffer shall be made in writing and presented to the County Administrator prior to any public hearing on said application by the Board of Supervisors that is held pursuant to Section 15.1-493, Code of Virginia (1950), as amended.

1202.2 Board of Supervisors Resolution

By the adoption by the Board of Supervisors of a resolution of intention to amend, which resolution, upon adoption, shall be referred to the Planning Commission for consideration pursuant to Section 15.1-493 of the Code of Virginia (1950), as amended.

1202.3 Planning Commission Resolution

By the adoption by the Planning Commission of a resolution of intention to propose an amendment.

1203 PUBLIC HEARING - NOTICE

The Planning Commission shall hold a public hearing on any such petition or resolution as provided by Section 15.1-493 of the Code of Virginia (1950), as amended, after notice as required by Section 15.1-431 of said Code.

1204 REPORT BY PLANNING COMMISSION TO BOARD AFTER HEARING

After the conclusion of the hearing provided for in this Article, unless the proceedings are terminated as provided herein, the Planning Commission shall report to the Board of Supervisors its recommendations with respect to the proposed Zoning map amendment. Failure of the Planning Commission to report to the Board within ninety (90) days after the first meeting of the Commission following the date the proposed amendment has been referred to the Commission shall be deemed approval by the Commission.

Article 12 Amendments and Special Exceptions Granted by the Board of
Supervisors

In acting favorably with respect to a proposed amendment initiated by the petition of a property owner or owners, the Planning Commission need not confine its recommendation to the proposed amendment as set forth in the petition; but may reduce or enlarge the extent of land that it recommends be rezoned or may recommend that land be rezoned to a different zoning classification than that petitioned for, if, the Commission is of the opinion that such revision is in accord with public necessity, convenience, general welfare and good zoning practice and is in furtherance of the purposes of this ordinance and Article; provided that before recommending an enlargement of the extent of land or a rezoning to a less restricted classification than was set forth in the petition, the Commission shall hold a further hearing on the matter, pursuant to requirements of Section 15.1-431 of the Code of Virginia (1950), as amended.

1204.1 Action By Board On Amendment Petition

Before approving and adopting any zoning ordinance or amendment thereof, the Board shall hold at least one public hearing thereon, pursuant to public notice as required by Section 15.1-431, after which the governing body may make appropriate changes or corrections in the ordinance or proposed amendment; provided, however, that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by Section 15.1-431. Such ordinances shall be enacted in the same manner as all other ordinances. However, the Board may approve an amendment for only a portion of the area proposed for rezoning in the original petition, provided the area proposed for rezoning is accurately and sufficiently delineated in the approved action.

1205 LIMITATION ON FILING NEW PETITION AFTER ORIGINAL DENIAL

Upon the denial by the Board of Supervisors of any petition filed pursuant to Section 1202.1 above, no new petition concerning any or all of the same property shall be filed within twelve (12) months of the date of denial.

1206 WITHDRAWAL OF PETITIONS

Any petition filed pursuant to Section 1202.1 above, may be withdrawn upon written request by the applicant any time prior to the submission of any public hearing notice for advertisement; provided, that if the request for withdrawal is made after publication of the notice of hearing, such withdrawal shall be only with the consent of either the Planning Commission or the Board of Supervisors, whichever body has advertised the hearing, and no new petition concerning any or all of the same

property shall be filed within twelve (12) months of the date of action, unless the respective body approving withdrawal specifies that the time limitation shall not apply.

1207 POSTING OF PROPERTY

Additional notice of public hearings involving zoning map amendments initiated pursuant to Section 1202.1 above, shall be provided by means of signs posted on the property proposed for rezoning, in the manner prescribed in this Article and by means of written notice to the owner or owners or their agent, the occupants of all abutting properties and property or properties immediately across a street or road from the property affected. Said written notice shall be given at least five (5) days before the hearing. The applicant shall certify in writing that notice was given pursuant to this section before a public hearing may be held on the application, and such certification shall set forth the persons receiving said notice.

1207.1 Posting of Property - Planning Commission Hearing

At least fifteen (15) days preceding the Planning Commission's public hearing on a zoning map amendment, the applicant shall erect on the property proposed to be rezoned, a sign or signs furnished by the Zoning Administrator indicating the change proposed and the date, time and place of the public hearing. The sign shall be erected by the applicant within ten (10) feet of whatever boundary line of such land abuts a public road and shall be so placed as to be clearly visible from the road with the bottom of the sign not less than two and one-half feet above the ground. If more than one such road abuts the property, then a sign shall be erected in the same manner as above for each such abutting roads. If no public road abuts thereon, then signs shall be erected in the same manner as above on at least two boundaries of the property abutting land not owned by the applicant.

1207.2 Posting of Property - Board of Supervisors Hearing

Upon receipt of written notice that a public hearing has been scheduled before the Board of Supervisors for his zoning map amendment, the applicant shall erect, at least fifteen (15) days preceding such hearing, a sign or signs furnished by the Zoning Administrator indicating the change proposed and the date, time and place of the public hearing. Such sign or signs shall be erected in the same manner as prescribed in Section 1207.1 above.

Article 12 - Amendments and Special Exceptions Granted by the Board of Supervisors.

1207.3 Maintenance and Removal of Signs

Any sign erected in compliance with this article shall be maintained at all times by the applicant up to the time of the hearing and it shall be the duty of the applicant at the hearing to prove by affidavit that he has fully complied with the requirements of this section and has continuously maintained the sign or signs up to the time of the hearing. It shall be unlawful for any person, except the applicant or the Zoning Administrator or an authorized agent of either, to remove or tamper with any sign furnished during the period it is required to be maintained under this section. All signs erected under this article shall be removed by the applicant within fifteen (15) days following the public hearing for which it was erected.

1208 MATTERS TO BE CONSIDERED IN REVIEWING PROPOSED AMENDMENTS

Proposed amendments shall be considered with reasonable consideration for the existing use and character of the property, the suitability of the property for various uses, the trends of growth or change, the current and future requirements of the county as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, and the county, and the requirements for schools, parks, playgrounds, recreation areas, and other public services; for the conservation of natural resource and preservation of flood plains and for the conservation. of properties and their values and the encouragement of the most appropriate use of land throughout the county. These considerations shall include, but shall not be limited to, timing of development, relation of development to major roads, relation of development to utilities and public facilities, and the net public costs of the development.

1208.1 Timing of Development

The Board, in promoting the general welfare and good zoning practice and the purposes of this Article and Ordinance, as part of an amending action, may specify a date certain for the future consideration of possible changes to the zoning classification of the particular parcel of land which is a subject of an amending action. Said future consideration shall be for the purpose of determining whether subdivision or site development plans have been submitted, whether development has in fact begun on the affected parcel, and whether there have been changes in the matters considered by the Board under Section 1208 hereof or any other section, which may necessitate changes in the zoning classification. In no

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case shall the date set be less than two (2) years from the date of the original amending action.

1208.2 Granting Amendments; Requirements

The Board shall determine that the following requirements are met, or be assured that they will be met, in acting upon a petition to change the zoning boundaries or classification of property on the zoning map:

- 1208.2.1 Relation to major roads. Except as otherwise specifically provided herein, parcels which are the subject of requests for changes of zoning classification shall be so located with respect to arterial or collector roads as to provide direct access to such parcel without creating increased traffic along minor streets in residential neighborhoods outside the district. Neither enlargement nor extension of such arterial or collector roads shall be required in a manner, form, character, location, degree, scale, or at such time, as would result in a higher net public cost than would development and forms generally permitted under existing zoning on the parcel or parcels which are the subject of the petition.
- 1208.2.2 Relation to utilities. Except as otherwise specifically provided herein, districts shall be so located in relation to sanitary sewers, water lines, storm and drainage systems and other utilities systems and installations, that neither enlargement nor extension of such system will be required in a manner, form, character, location, degree, scale, or at such time, as would result in a higher net public cost than would development in forms generally permitted under existing zoning on the parcel or parcels which are the subject of the zoning petition.
- 1208.2.3 Relation to public facilities. Except as otherwise specifically provided herein, districts shall be so located, designed and scaled with respect to necessary public facilities, including in the case of development of a residential character, public schools, parks, recreational sites, open spaces and other facilities, that the net public cost is not greater than the public cost as would result under the existing zoning of the parcel.
- 1208.2.4 Additional public facilities. Except as otherwise specifically provided herein, the zoning classification of parcels which are the subject of requests for changes of their classifications, shall not be changed if development, as would be permitted under the new classification, would create the need or necessity for additional public facilities, including, in the case of development of a residential character, public schools, parks, recreational

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sites, open spaces and other facilities, and the net public costs would be greater than the public costs for the public facilities necessitated by development as permitted under the existing zoning of the parcel.

1208.2.5 Provisions for meeting requirements relative to major roads, utilities, and public facilities. In cases of petitions which do not meet the requirements of Section 1208.2.1, Section 1208.2.2, Section 1208.2.3 and/or Section 1208.2.4 herein, the petitioners may:

a.

1. Provide, where necessary, to protect against danger and congestion in travel and transportation, for the enlargement or extension of arterial or collector roads to serve the development;
2. Provide, where necessary, sanitary sewers, water lines, storm and surface drainage systems, and other utility systems and installations including street lights and signs, or for the enlargement or improvement of existing systems and/or installations, to serve the development;
3. Provide, in the case of development of a residential character, private parks, recreational sites and open spaces for the use and benefit of the residents of the development, which are approved by appropriate public agencies and the Board as providing necessary facilities for the health, safety, public welfare, and general good of the residents of the development; the facilities as set forth in this subsection shall be maintained by the developer or a corporation, organization or association of the residents of the development and not at public expense;
4. Provide, in the case of development of a residential character, for the construction of new facilities, or for the expansion of existing facilities, which are acceptable to appropriate public agencies and the Board for use as schools for the children of the residents of the development; or as an alternative to make provisions acceptable to the Board compensating for any additional net public costs as such are related solely to public schools to serve the children of the residents of the development; or

- b. Make provisions acceptable to the Board for compensating for any additional net public costs which would be made necessary by such development, location or establishment of a district as proposed in the particular petition.

Article 12 - Amendments and Special Exceptions Granted by the Board of Supervisors

Approval of provision (a) or (b) above by the Board shall constitute compliance with requirements of Section 1208.2.1, Section 1208.2.2, Section 1208.2.3, and Section 1208.2.4 herein, either individually or collectively.

- 1208.2.6 Public cost, defined. Public cost is capital outlay (and resulting debt service charges) attributable to zoning under a particular classification. The term capital outlay shall consist of the capital cost to the County to supply the necessary public facilities to serve new County residents and their children calculated to be brought into the County if the zoning petition under consideration is granted by the Board. Population increase calculations shall be based upon the number of dwelling units (by type of dwelling unit) planned by the developer, multiplied by the product of the County's average number of persons per household as enumerated in the most recent census times the factors listed below concerning the number of persons per household and number of children ages 6 through 18 per household.

FACTORS - AVERAGE NUMBER OF PERSONS PER HOUSEHOLD

Single family detached dwelling units	1	3.53
Single family attached dwelling units	.85	3.0
Garden apartment units - less than 3 stories	.62	2.2
High-rise apartment dwelling units	.57	2.0

FACTORS - AVERAGE SCHOOL AGE CHILDREN (AGES 6 THROUGH 18) PER HOUSEHOLD

Single family detached dwelling units	.39	1.4
Single family attached dwelling units	.14	.49
Garden apartment units - 3 stories or less	.04	.15
High-rise apartment dwelling units	.02	.07

Public facilities to be included in public cost calculations shall include: school buildings, school lot improvements, land for school sites, off-site public road improvements necessitated by the development, parks, recreational sites, open spaces and other facilities for the use and benefit of the residents of the development, and sanitary sewers, water lines, storm and drainage systems, and other utility systems and installations, including street lights and signs, serving the development. Public cost must be a positive integer.

Article 12 - Amendments and Special Exceptions granted by the Board of Supervisors.

Capital outlay for per public school construction cost, shall be based upon: total cost of a high school plus total cost of an elementary school divided by the total design capacity (pupils). These figures shall be derived from the Loudoun County School Board's most recent actual experience in school construction.

1208.2.7 Net public cost, defined. Net public cost shall be construed to be the difference between public cost attributed to the proposed development and the public cost which would have occurred were the parcel or parcels in question developed under existing zoning provisions.

1208.2.8 Determinations of public cost and net public cost. Determinations of public cost and net public cost shall be made by the Board of Supervisors, or, upon its own motion or at the request of the petitioners, by three qualified experts, two of whom would be appointed by the Board of Supervisors, and one of whom would be appointed by the petitioners. Expenses involved in making such determination as may be required shall be paid by petitioners.

1208.2.9 Methods of compensation for net public costs. Methods of compensation for added net public cost must be approved by the Board of Supervisors prior to approval of final development plans. Provisions of private facilities, or compensation, shall occur according to a reasonable schedule approved by the Board of Supervisors. Said schedule shall reflect the impact of the development over time and provide for the timely acquisition of land and construction of buildings and other facilities by the County or the developer, as the case may be, designed to serve the residents of the development, which is the subject of the petition, as required in the opinion of the Board to promote the public welfare and general good.

1208.2.10 Expenditures of escrowed funds by Board. Moneys received by the County for compensation for added net public costs shall be placed in a special trustee account with the members of the Board of Supervisors as trustees of said fund, to be used solely for the acquisition, construction, enlargement, or development of additional public schools, land for school sites, school lot improvements, parks, recreational sites, open spaces, sanitary sewers, water lines, storm and surface draining systems, other utility systems and installations, including street signs and lights, roads, and other public facilities, to serve the residents of the development and their children. Said special account shall be administered by the Board of Supervisors, as trustees, and shall be subject to investment or expenditure by the Board of Supervisors in its absolute discretion solely for the purpose provided herein, both as the principal and interest.

Article 12--Amendments and Special Exceptions Granted by the Board of
Supervisors

1209 CHANGE IN COMPREHENSIVE PLAN--ADOPTED

At such time as the Comprehensive Plan may be amended and officially adopted, either as part of the five (5) year review period, or during interim periods, the Planning Commission shall prepare recommendations for corresponding amendments to the Zoning Ordinance, if such amendments are made necessary by the character of amendments or changes in the Comprehensive Plan.

1210 ANNUAL SUBSCRIPTION TO PLANNING AND ZONING DOCUMENTS (as amended
by the Board of Supervisors on April 1, 1985)

If any person shall pay to the County of Loudoun a fee, to be determined by the Board of Supervisors and incorporated into the fee schedule of the Department of Planning, Zoning, and Community Development, to cover administrative and postal costs, the Director of the Department of Planning, Zoning, and Community Development shall cause to be mailed to said person, at least once monthly for a period of one year, a summary agenda for public hearings held by the Planning Commission. Departmental staff reports relative to public hearing items will be available for review by the public in the office of the Director, and copies of specific items will be made available for purchase. Costs for the purchase of such items shall be determined on a cost-per-page basis.

1211 SPECIAL EXCEPTIONS (added December 6, 1982)

Application for a special exception may be made in a manner authorized by the provisions of this ordinance by any property owner, tenant, government official, department, board or bureau. All decisions on applications for special exceptions which are not expressly delegated in this ordinance to the Board of Zoning Appeals are reserved for the Board of Supervisors.

Applications shall be delivered or mailed to the Board of Supervisors of Loudoun County, Virginia, c/o the Zoning Administrator, Leesburg, Virginia. At the same time a copy of the application shall be mailed to the Secretary of the Planning Commission, Leesburg, Virginia. At any time prior to the hearing on the application, the applicant may be required to forward another copy to an individual, official, department, or agency concerned, if any, as determined by the Zoning Administrator.

The application shall be accompanied by a check payable to "Treasurer, Loudoun County, Virginia" for the appropriate fee (Section 908). In addition, each such application shall contain a concise statement of the subject to be brought before the Board of Supervisors.

1211.1 Application for Special Exception--Procedure

In the case of an application for a special exception, the applicant shall first submit his proposal to the Zoning Administrator on a form to be provided by the Zoning Administrator, including therewith all plans and information relating to the application required by the Board of Supervisors pursuant to Section 15.1-496 of the Code of Virginia, 1950. The proposal shall then be advertised pursuant to provisions of Section 15.1-431 of the Code of Virginia prior to public hearing by the Planning Commission and/or Board of Supervisors, or directly to the Board of Supervisors pursuant to the provisions and requirements of this ordinance.

1211.2 Withdrawal of Application

An application may be withdrawn by the applicant at any time prior to the deadline for cancellation of the newspaper advertisement provided for in this article. After said deadline, an application may be withdrawn only with the permission of the Board of Supervisors. An application or appeal which is not withdrawn pursuant to this subsection shall be either granted or denied on the merits, by the Board of Supervisors, either in whole or in part.

1211.3 Re-applications

If any application is denied by the Board of Supervisors on the merits, no application requesting the same relief with respect to all or part of the same property shall be considered by the Board within twelve (12) months after the date of such denial.

1211.4 Hearing of Application

1211.4.1 Time and Notice

Upon receipt of an application, the Board of Supervisors shall fix a reasonable time for a hearing of such application, and in addition to the notice conforming to Section 15.1-431 of the Code of Virginia shall cause to be posted, at least ten (10) days before such hearing a poster calling attention to the nature and substance of the application, the land involved, the name of the applicant, and the date and place of the public hearing. The Board of Supervisors shall prescribe the form of said poster, which shall be affixed to a pole, post, fence, or structure on the land involved, if practical, or if not, within three hundred (300) feet thereof, and in either event, in such location as to be clearly visible from a public road. Upon the hearing, any party may appear in person or by agent or by attorney.

1211.4.2 Decision

The Board of Supervisors shall render a decision on any application submitted to it within ninety (90) days of filing. An application shall not be deemed filed until the applicant has met all submission requirements set forth in, or under authority of, this ordinance (amended June 17, 1986).

1211.4.3 Rehearings

A request for a rehearing shall be in writing and shall be delivered to the Zoning Administrator within fifteen (15) days after the date

Article 12--Amendments and Special Exceptions Granted by the Board of Supervisors

of the decision of the Board of Supervisors. It shall recite the reasons for the request. A rehearing may then be granted upon the affirmative vote of a majority of the Board.

1211.5 Standards

In fulfilling the purposes and intent of this ordinance as set forth in Article 1, the Board of Supervisors, in exercising the powers and duties granted and imposed by the ordinance, shall act in accordance with and shall be guided by the following standards which shall be in addition to any other standards imposed by this ordinance:

To preserve the agricultural character of the County, and to discourage the inappropriate location of non-farm uses in agricultural areas.

To conserve the ground water supply in the areas of the County where it is limited.

To prevent high population density on soils that are incapable of providing adequate water supply, or of meeting proper sanitary requirements for sewage disposal.

To protect against the overcrowding of land and undue density of population in relation to the community facilities existing or available.

To facilitate orderly highway development and transportation, and lessen traffic hazards and congestion.

To protect residential sections from unnecessary traffic, fire hazards, noise, noxious fumes, or offensive odors and other unwholesome conditions and influences.

The proposed use at the specified location shall be in harmony with the policies embodied in the adopted comprehensive plan.

The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

The proposed use shall be such that it will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the applicable provisions of the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

Article 12--Amendments and Special Exceptions Granted by the Board of
Supervisors

1211.6 Conditions

The Board of Supervisors may, when granting a special exception, impose conditions thereon affecting the character, layout, and method of operation of the proposed use, such as provisions for fencing, planting or other landscaping, additional setbacks from property lines, location and arrangement of lighting, setting of reasonable time limitations, and other reasonable requirements deemed necessary to safeguard the interest of the general public.

Wherever there is a question as to the propriety of location and/or type of use proposed, it shall be the burden of the applicant to prove that no deleterious effects will occur as a result of the development of his proposed use or structure.

ARTICLE 13 -- VIOLATIONS AND PENALTIES

1301 VIOLATIONS AND PENALTIES

Any person, whether as owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building on any land in violation of any detailed statement or plan submitted by him and approved under the provisions of this ordinance, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to punishment as provided by law. Each day upon which such violation continues shall constitute a separate offense.

1301.1 Violations

Any building erected contrary to any of the provisions of this ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this ordinance shall be a violation of this ordinance and the same is hereby declared to be unlawful. The Zoning Administrator may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove such erection or use in violation of any provision of this ordinance.

1301.2 Notice of Violation

Upon his becoming aware of any violation of any provisions of this ordinance, the Zoning Administrator shall serve notice of such violation on the person committing or permitting the same, and if such violation has not ceased within such reasonable time as the Zoning Administrator has specified in such notice, he shall institute such action as may be necessary to terminate the violation.

1302 REMEDIES NOT EXCLUSIVE

The remedies provided for in this section are cumulative and not exclusive and shall be in addition to any other remedies provided by law.

1303 COMPLAINTS REGARDING VIOLATIONS

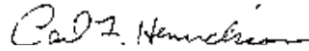
Whenever a violation of this ordinance occurs, or is alleged to have occurred any person may file a written complaint. Such complaint stating fully the cause and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

ARTICLE 14 -- VALIDITY

1400 If any section, subsection, sentence, clause, phrase or word of this ordinance is, for any reason, held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

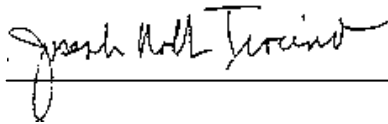
ARTICLE 15 -- EFFECTIVE DATE, REPEAL OF CONFLICTING ORDINANCES

- 1500 This Zoning Ordinance of Loudoun County, Virginia, shall be effective at and after 12:01 A.M., the 21st day of June, 1972, and at the same time the Loudoun County "Zoning Ordinance" adopted July 11, 1959, as amended, is hereby repealed.
- 1501 All lands now zoned PC-8C and PC-8D, those being the same lands previously adopted as "planned communities" under the terms of the Loudoun County Zoning Ordinance of 1959, as amended, are hereby reclassified PDH-12, and subject to regulations thereunder.



Signed _____

Carl F. Henrickson, Chairman
Loudoun County Board of Supervisors



Witness _____

Joseph R. Trocino
Zoning Administrator

1972 LOUDOUN COUNTY ZONING ORDINANCE

ZONING ORDINANCE AMENDMENTS MARCH 1990 THROUGH NOVEMBER 1992

<u>ZOAM</u>	<u>DATE ADOPTED</u>
89-11	March 6, 1990
90-03	July 3, 1990
90-04	June 19, 1990
90-05	July 9, 1990
90-07	August 6, 1991
90-08	November 27, 1990
90-09	February 5, 1991
90-10	January 15, 1991
90-11	April 16, 1991
91-01	February 19, 1991
91-03	August 6, 1991
92-06	November 18, 1992

ZONING ORDINANCE AMENDMENT 89-11

Board of Supervisors approved March 6, 1990

ATTACHMENT 1

ZONING ORDINANCE AMENDMENTS FOR PRIVATE ACCESS EASEMENT AND PRIVATE DRIVEWAY CROSSINGS OF THE 100 YEAR FLOODPLAIN

Amend Section 740, Floodplain Ordinance, to provide for administrative review of floodplain crossings by private access easements serving large lot low density development or by private driveways serving one lot.

740.3 Definitions

8. Private Access Easement - A private access easement serving 25 acre and 50 acre low density residential development as provided for in Sections 601.9.1. and 601.9.2. of the Loudoun County Zoning Ordinance and designed and constructed in accordance with the Facilities Standards Manual.

740.6 Permitted Use

- 740.6.1.E. Utility lines, public road crossings approved by the Virginia Department of Transportation, and private drives serving one lot, and private access easements serving low density development as defined in Section 740.3.8.

740.9 Alterations

- 740.9.1.A ~~An application for an alteration to the floodplain shall be submitted concurrently with the first submission for subdivision or site plan approval.~~ A Type I floodplain alteration application shall be submitted concurrently with preliminary/record plat subdivision applications or subdivision waiver applications. A Type II floodplain alteration application shall be submitted after preliminary plan of subdivision or preliminary site plan approval. Approval of a floodplain alteration application will be required prior to approval of construction plans and profiles, record plat, or final site plan, whichever comes first.

ZOAM 90-03

Approved July 3, 1990

Zoning Ordinance Amendment
to Allow Carry-Out and Sit-Down Restaurants
and Other Services as Auxiliary Uses in PD-OP, PD-IP, and PD-GI Districts

Article 7, Sections 711.3.1, 722.3.2, and 723.3.2
Article 10, Definition of Auxiliary Use

I ARTICLE 10: DEFINITIONS

Auxiliary Use - A principal use of a building or lot within a district which is customarily incidental and subordinate to the principal uses of the district.

II ARTICLE 7: SPECIAL DISTRICTS

PD-OP:

711.3.1 Permissible Principal Uses and Structures

In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception procedures, upon recommendation of the Planning Commission:

Recreational Vehicle Parks

Uses auxiliary to permitted and principal uses, such as, but not limited to, Restaurants (including carry-out, but excluding drive-in eating establishments), Personal Services, Banks and Financial Institutions and Automobile Service Stations.

ZOAM 90-03

Approved July 3, 1990

PD-IP:

722.3.2 Permissible Principal Uses and Structures

In addition to the permitted principal uses and structures indicated above the following uses may be permitted by the Board of Supervisors: (a) as part of a PD-IP amendment, or (b) by special exception procedures at any time after PD-IP amendment, provided that such uses clearly demonstrate similarity to characteristics of permitted principal uses and comply with requirements of determinations concerning unspecified uses, Section 501.1:

- Private or commercial airport, heliport
- Warehousing
- Commercial office buildings
- Sewage disposal, water treatment plants
- Temporary construction headquarters, temporary equipment and materials storage
- Public utility, communications and transmission
- Recreational facilities (1/18/77)
- Churches: subject to the following performance standards:
 1. Parking standards shall include 1 parking space for every 4 seats in the main auditorium
 2. Church uses must comply with all other performance standards for the PD-IP and PD-GI districts, i.e. access, landscaping, buffering, signs, etc.
 3. All church uses must comply with BOCA and Virginia Uniform Building Code requirements for construction. (approved 12/19/89)

Uses auxiliary to permitted ~~and~~ principal uses, such as, but not limited to, Restaurants (including carry-out, but excluding drive-in eating establishments), Personal Services, Banks and Financial Institutions and Automobile Service Stations. (as amended in June, 1977)

ZOAM 90-03

Approved July 3, 1990

PD-GI:

723.3.2 Permissible Principal Uses and Structures

In addition to the permitted principal uses and structures indicated above, the following uses may be permitted by the Board of Supervisors: (a) as part of a PD-GI amendment, or (b) by special exception procedures at any time after PD-GI amendment, provided that such uses clearly demonstrate similarity to characteristics of permitted principal uses and comply with requirements of determinations concerning unspecified uses, Section 501.1:

- Private or commercial airport, heliport
- Automobile graveyard, junk yard
- Borrow pit for road construction
- Yard for storage of coal, lumber, building materials, contractors' equipment
- Bulk storage of gasoline, petroleum products, natural gas
- Livestock sales and auctions
- Sewage disposal, water treatment plants
- Public utility communications and transmission facilities
- Asphalt Mixing Plant - July 19, 1982
- Concrete Mixing Plant (Approved by BOS 4/16/84)
- Churches: subject to the following performance standards:
 1. Parking standards shall include 1 parking space for every 4 seats in the main auditorium
 2. Church uses must comply with all other performance standards for the PD-IP and PD-GI districts, i.e. access, landscaping, buffering, signs, etc.
 3. All church uses must comply with BOCA and Virginia Uniform Building Code requirements for construction. (approved 12/19/89)

Uses auxiliary to permitted and principal uses, such as, but not limited to, Restaurants (including carry-out, but excluding drive-in eating establishments), Personal Services, Banks and Financial Institutions and Automobile Service Stations.

ZOAM 90-04

Section 555 Tree Planting and Replacement

555.01 **Purpose.** The purpose and intent of this Section is to promulgate regulations for the planting and replacement of trees destroyed or damaged during the development or redevelopment process, pursuant to Section 15.1 - 14.2 of the Code of Virginia.

555.02 **Definitions.**

Tree Canopy or Tree Cover shall include all areas of coverage by plant material exceeding five feet in height.

Trees shall be defined as a single perennial woody stem attaining a height of 15 feet or more at maturity. The term tree as used does not include industry trees or bushes.

555.03 **General Standards.**

- A. All trees to be planted shall meet the specifications of the American Association of Nurserymen.
- B. The Planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen's Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the road and bridge specifications of the Virginia Department of Transportation.
- C. The minimum caliper of all deciduous trees planted shall be 1", and the minimum height of all evergreen trees shall be 6 feet.

555.04 **Canopy Requirements.**

- A. **Site Planning:** A Site Plan required under Section 550 shall include the planting a replacement of trees on site to the extent that, at maturity of ten years, minimum tree canopy shall be provided as follows:
 - 1. Ten (10) percent tree canopy for sites zoned business, commercial, or industrial in the C-1, LI, I-1, PD-IP, PD-OP, PD-GI, PD-CH, PD-SC, PD-RDP, and PD-H Districts.
 - 2. Ten (10) percent tree canopy for a residential site zoned PDH with densities of twenty (20) or more units per acre.

3. Fifteen (15) percent tree canopy for a residential site zoned PDH for multi-family and single family attached units with densities of eleven (11) to nineteen (19) units per acre;
 4. Twenty (20) percent tree canopy for residential sites zoned PD-H for multi-family and single family attached units with densities of three (3) to ten (10) units per acre.
- B. For Development Requiring a Plan of Subdivision, but not a Site Plan, i.e. single family and duplex dwellings: When a Plan of Subdivision is required under the Land Subdivision and Development Ordinance, a landscape plan shall be included that provides for the planting or replacement of trees on the site to the extent that, at maturity, of 10 years, minimum tree canopies will be provided as follows:
1. If the site has a tree canopy coverage of 20% or more, the plan shall provide for the preservation, or planting and replacement of trees on site so as to result in a tree canopy of at least 20%, calculated at 10 years maturity.
 2. If the site has a tree canopy coverage of less than twenty (20%), the plan shall provide for the preservation or planting or replacement of an equivalent percentage tree canopy coverage as existed prior to development, calculated at 10 year maturity.
 3. In addition to the standards in (1) or (2) above, every platted lot shall have a minimum tree canopy coverage of 2.5%, or 3,000 square feet, whichever is less, calculated at 10 years maturity, excepting from lots for which no permits for new structures will be sought.
 4. In addition to the standards in (1), (2), and (3) above, trees shall be planted at a density of one tree per 50 linear feet along all areas dedicated for use for public access. Such trees shall have a minimum caliper of 1" and a height at maturity of 15 feet or more.
- C. **Exclusions:** For the purpose of calculating the area of a site, to determine tree canopy coverage requirements, the following areas shall be excluded:
1. Properties reserved or dedicated for future street construction or other public improvements,

2. Ponds, and unwooded wetlands,
3. Properties reserved or dedicated for school sites, playing fields and other non-wooded recreation areas, and other facilities and areas of a similar nature.

D. **Existing Conditions.** Existing trees which are to be preserved may be included to meet all or part of the canopy requirements, and may include wooded preserves, if the site plan identifies such trees and the trees meet standards of desirability and life-year expectancy established by the Zoning Administrator.

555.05 **Variations.** Reasonable exceptions to or deviations from the requirements in this Section to allow for the reasonable development of farmland or other areas devoid of woody materials, including the preservation of wetlands, or when the strict application of the requirements would result in unnecessary or otherwise unreasonable hardship to the developer, shall be considered by the Board of Zoning Appeals upon application by the owner.

555.06 **Exemptions:** Dedicated school sites, playing fields and other non-wooded recreation areas, and other facilities and uses of a similar nature shall be excluded from the provisions of these regulations.

555.07 **Enforcement.** Penalties for violations of the requirements of this Section shall be the same as those applicable to violations of other provisions of this Ordinance.

ZOAM 90-05

Adopted July 9, 1990

Zoning Ordinance Amendment to Allow Public Road Crossings to Increase Off-Site Water Surface Elevations (Sec. 740.6)

- L. Public road crossings approved by the Virginia Department of Transportation, subject to the procedures and standards in § 740.9. If such a development action results in an offsite increase in the water surface elevation of the base flood as shown on the Floodplain Map of Loudoun County, it is subject to the following criteria and provisions:
- a. The procedures and standards for alterations in § 740.9 shall apply; provided, however, the proposed crossing may result in a rise in the water surface elevation of the base flood of no more than one foot.
 - b. The proposed crossing must be a feature shown on the Comprehensive Plan.
 - c. A floodplain alteration in accordance with the Facilities Standards Manual shall be submitted delineating all increases in the base flood, and the new floodplain limits shall be approved by FEMA.
 - d. The road crossing shall be designed and constructed in accordance with the standards and regulations of the Virginia Department of Transportation.
 - e. An instrument describing the increase in the floodplain limits, and executed by each affected property owner, shall be recorded upon approval of the alteration for the public road crossing.
 - f. The proposed crossing shall not result in an increase in the water surface elevation of the base flood affecting existing buildings and structures.
 - g. Affected offsite property owners may at any time mitigate impacts on their land as a result of an increase in the water surface elevation of the base flood by:
 1. Including all or a portion of the land subject to the increase in the base flood elevation for purposes of calculating the permitted density or intensity of use on the lot subject to such increase; and/or
 2. Alterations in accordance with § 5.440B of the Facilities Standards Manual to reclaim that portion of their land subject to the increase in water surface elevation of the base flood as a result of the road crossing, provided there is no additional offsite rise in the 100-year water surface elevation; or

3. An affected landowner may request the following modifications by special exception granted by the Board of Supervisors in accordance with § 740.7 of the Zoning Ordinance in conjunction with subsection (g)(1):
 - (a) Modification of the building setback or parking setback requirements on specific lots or parcels of land affected by the increase in the elevation of the base flood; and/or
 - (b) Allocation of the density provided for in subsection (g)(1) to other lots within the proposed development not directly subject to the increase in the base flood elevation. This provision is in addition to other density transfer provisions established by the Loudoun County Zoning Ordinance.

[DELETE "public road crossing approved by the Virginia Department of Transportation" from § 740.6(E)]

ZOAM 90-07

Amendment to Allow for Development of Hospitals in PD-OP, PD-IP, and PD-RDP Districts

Adopted August 6, 1991

PD-OP

711.3.1

Permissible Principal Uses and Structures

In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception procedures, upon recommendation of the Planning Commission:

Recreational Vehicle Parks

Hotels and Motels with location and site development criteria listed in Section 607.2.4 (appr. 2/5/91)

Educational Institution (appr. 2/19/91)

Hospitals (see Section 607.2.6)

PD-IP

722.3.2.1

Permissible Principal Uses and Structures

In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception procedures, upon recommendation of the Planning Commission:

Recreational Vehicle Parks

Motels, hotels with location and site development criteria listed in Section 607.2.4 (appr. 8/23/82)

Hospitals (see Section 607.2.6)

PD-RDP

725.3

Special Exception Uses and Structures

The following uses and structures may be permitted by the Board of Supervisors as part of approved plans for any PD-RDP amendment or by special exception at any time after an amendment:

- a. Automobile service station.
- b. Heliport.
- c. Public utilities.
- d. Increases in Maximum Building Height Regulations (reference Section 725.5.d)
- e. Floor Area Ratio (FAR) increases (reference Section 725.5.e)
- f. Hospitals (see Section 607.2.6)

reference added 3/29/91
amended by BOS 7/16/91

ZOAM 90-08

DRAFT ZONING ORDINANCE AMENDMENT:

Proposed Amendment to Allow for a Reduction
in Required Lot Size for Parcels Zoned R-2 Served by Public Sewer

Article 4, Minimum Lot Requirements: Area, Width, Length/Width Ratio

For Lots Served By Public Sewer

Minimum Lot Area: 16,000 sq. ft..

Minimum Lot Width: 80 ft..

Length Width Ratio: Length not to exceed 2.5 times the width.

Approved November 27, 1990

ZOAM 90-09

Amendment to Allow Hotels and Motels in PD-OP Districts
by Special Exception

Section 711.3.1

Adopted February 5, 1991

Article 7, Section 711.3.1 Permissible Principal Uses and Structures

In addition to the permitted principal uses indicated above, the following uses may be permitted by the Board of Supervisors by Special Exception procedures, upon recommendation of the Planning Commission:

Recreational Vehicle Parks

Hotels and Motels with location and site development criteria listed in Section 607.2.4.

ZOAM 90-10

Amendment of the Definition of Commercial Recreation Area to Include
Golf Driving Range

Article 10

Adopted January 15, 1991

GOLF DRIVING RANGES: A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee. A golf driving range may contain outdoor lighting. A golf driving range may have as an accessory use a miniature golf course, baseball batting cages, a refreshment stand, and/or equipment rental of items pertaining to golf and baseball.

RECREATION AREA, COMMERCIAL: Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, lodging, picnicking, boating, fishing, swimming, golf driving ranges (as defined herein), outdoor games and sports, and activities incidental and related to the foregoing. A commercial recreation area does not include miniature golf grounds, ~~golf driving ranges~~, mechanical amusement devices, or accessory uses such as refreshment stands, equipment sales or rentals.

Amendment to Add Section 560 to the Loudoun County Zoning Ordinance
Adopted April 16, 1991

Section 560 Buffering and Screening

560.01 **Purpose.** The purpose and intent of this Section is to facilitate the creation of a convenient, attractive and harmonious county; to conserve natural resources including adequate air and water; to preserve the character of an area by preventing or mitigating the harmful effects of one use on another use; and to preserve and promote the health, safety and general welfare of the public. More specifically, this Section is intended to make potentially incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Also, this Section is intended to require the landscaping of parking lots in order to reduce the harmful effects of heat and noise and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to enhance the natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; and to provide shade.

560.02 **Applicability.**

- (A) The provisions of this Section shall apply to all development where site plans are filed in accordance with the provisions of Section 550, except the following Final Site Plans filed pursuant to a Preliminary Site Plan approval prior to the effective date of this Ordinance.
- (B) The provisions of this Section are intended to complement the regulations of Section 555 of this Ordinance. Trees planted to fulfill the Canopy requirements of Section 555 may also fulfill the Buffering and Screening requirements of this Section. It is specifically provided, however, where any provision of this Section imposes restrictions or standards different from those by Section 555 or any other county ordinance or regulation or other provisions of law, whichever provisions are more restrictive or impose higher standards shall control, unless the intent is clearly otherwise.

560.03 **Standards.** The following standards shall apply to the installation and maintenance of all landscaping and screening required by the provisions of this Section.

- (A) The planting and maintenance of all trees and shrubs shall be in accordance with the provisions of the Facilities Standards Manual, and the following requirements:

- (1) The installation of all landscaping shall be done following the procedures established by the American Association of Nurserymen.
- (B) At the time of planting, all canopy trees shall have a minimum caliper of one (1) inch, and all understory trees shall have a minimum height of six (6) feet. Evergreen trees shall be a minimum of six (6) feet in height. Evergreen shrubs shall have a minimum height of thirty (30) inches. Dwarf deciduous shrubs shall have a minimum height of eighteen (18) inches.
- (C) Existing vegetation which is suitable for use in compliance with the requirements of this article, when supplemented by new vegetation so as to provide planting and screening in accordance with the purpose and intent of this Section, may and should be used as required planting.
- (D) In addition to the standards set forth in this Section, the Board of Supervisors or the Board of Zoning Appeals may require more stringent requirements as part of an approval action of a special exception, variation, or as part of proffered conditions.
- (E) All landscaping shall permit site distances consistent with all current code requirements of Loudoun County.
- (F) Excellence in landscape design and materials is encouraged.

560.04

Landscaping Plan.

- (A) Except as permitted by the provisions of Section 560.05 below, a landscaping plan, including a parking lot landscape and screening plan, shall be submitted as part of every site plan required by the provisions of Section 550.
- (B) Such landscaping plans shall be drawn to scale, including dimensions and distances, and clearly delineate all existing and proposed buildings, parking spaces or other vehicle areas, access aisles, driveways, and the location, size, and description of all landscaping materials and the installation schedule if materials are to be installed in phases extending beyond 90 days from the date of occupancy of the building or structure to which they are appurtenant.
- (C) The landscaping measures, as required by this Section shall be shown on such plan and shall be completed or bonded in accordance with

current County policy according to specifications prior to approval of any Certificate of Occupancy.

560.05

Buffer Yards and Screening, General Provisions.

- (A) Buffer yards and screening shall be provided in accordance with the Buffer Yard and Screening Matrix (Attachment A) presented at the end of this Section and in accordance with the provisions of this Section and Section 560.07 and 560.08 below.
- (B) Buffer yards and screening shall be provided within the zoning district and on the lot of the use indicated in the left column of the matrix where it is contiguous or across the street from land used or zoned for uses indicated across the top of the matrix.
- (C) Where the structure is to contain more than one use or category of uses as presented in the matrix, the more stringent requirements of the matrix shall apply; provided, however, that the Zoning Administrator may allow the less requirements of the matrix upon a finding that the need for the more stringent requirements has been eliminated by the arrangement of uses.
- (D) The uses in the matrix are listed in abbreviated form. Other similar uses, as may be included in a listing presented in the district regulations, shall be subject to the same regulations as are presented for a use listed on the matrix.
- (E) In those instances where a proposed use and/or an existing use on the abutting property is not listed in the matrix, the Zoning Administrator, using the matrix as a guide, shall determine whether or not and to what extent buffering and screening shall be provided.
- (F) In addition to the standards set forth in Sections 560.07 and 560.08 for a particular use, all uses allowed by special exception, or variance in a given district, shall be required to provide buffer yards as determined by the BZA or Board of Supervisors, as the case may be, using the matrix as a guide.

560.06

Determination of Buffer Yard Requirements. To determine the type of buffer yard required between two adjacent parcels or between a parcel and a use across the street, refer to the buffer yard and screening matrix, and identify the buffer yard required pursuant to one of the following procedures:

- (A) Proposed Development Adjacent to an improved property that is a pre-existing use: If the adjoining property is a pre-existing use which existed prior to the effective date of this Ordinance, it shall be determined as follows:
- (1) If the proposed use is more intensive than the pre-existing use, the proposed use must provide the buffer yard type as required by the Buffer Yard and Screening Matrix.
 - (2) If the proposed use is less intensive than the pre-existing use, the proposed use must provide the buffer yard type that would have been provided by the existing more intensive use if it were subject to the requirements herein.
 - (3) The Zoning Administrator may waive or reduce the requirement if it presents a substantial hardship or is considered unnecessary as identified in Section 560.09.
- (B) Proposed Development Adjacent to a Use Developed Subsequent to Passage of these Landscape Regulations: The buffer yard required between a proposed use and a use that was developed subsequent to the effective date of this Ordinance shall be determined as follows:
- (1) The proposed use must install plant units in order to bring the total buffer yard required between the two uses into conformance with the Buffer Yard and Screening Matrix.
 - (2) If a structure is required, it shall be installed by the more intensive use.
- (C) Proposed Development Adjacent to a Vacant Property: To determine the buffer yard type for a proposed development which will be constructed adjacent to vacant land, the Zoning Administrator must first make a determination on the probable future use of the adjacent vacant land, using the Comprehensive Plan and Zoning Ordinance Map.
- (1) If the proposed use is more intensive than the probable future use of adjacent vacant land, as determined by the Zoning Administrator, then the proposed use must provide a buffer as required by the Buffer Yard and Screening Matrix.
 - (2) If the subsequent use of the adjacent vacant land is more intensive than the probable use determined by the Zoning Administrator, and the subsequent use is required to provide a buffer prescribed in the Buffer Yard and Screening Matrix, the

buffer yard installed by the first use may be reduced or eliminated.

- (3) If the subsequent use of the adjacent vacant land is less intensive than the probable use determined by the Zoning Administrator, the subsequent use must install the difference between the plant units installed by the pre-existing adjacent use and the number of plant units required by the Buffer Yard and Screening Matrix.
 - (4) If the proposed use is less intensive than the probable future use of the vacant land, as determined by the Zoning Administrator, no buffer yard shall be required of the proposed use.
- (D) Contractual Reduction of Buffer Yard Abutting Vacant Land:
When a land use is proposed adjacent to vacant land, the owners of both parcels may enter into a contractual relationship to provide for a buffer yard equivalent to the buffer yard which shall ultimately be required. Such a contract shall include:
- (1) A statement by the owner of the vacant land of an intent to develop at no greater than a specified land use category which the reduced buffer yards would reflect.
 - (2) An agreement that the owner of the vacant land assumes all responsibility for additional buffer yards required by the development of his parcel with a more intense use than had been agreed upon.
 - (3) The contract shall be in the form of a covenant or deed restriction, recorded with the Recorder of Deeds, which shall run with the land.
- (E) Special Situations:
- (1) When the adjoining land is used for a wayside stand or other temporary use, the buffer yard type shall be determined as if the property were vacant as provided in Section 560.06 (C) (2).
 - (2) If any property adjoins arterial road planned and/or designed to carry high speed regional traffic, at least four lanes in width, and planned for restricted or controlled access, the required buffer yard shall be in accordance with Buffer Yard Type 3, however, such buffer yard landscaping shall be supplemented by a landscaped earthen berm at least 4 feet in height and not to

exceed a slope of 3:1.

- (3) If any adjoining property is located within a zoned municipality, the Zoning Administrator shall investigate the applicable municipal zoning district regulations and shall determine which district established by this Ordinance is most equivalent. Requirements for buffer yards shall then be the same as if the adjoining property were zoned in the equivalent county zoning district.
- (4) Knowing buffer yard type, refer to Section 560.07, "Buffer Yard and Screening Requirements".

560.07 Buffer Yard and Screening Requirements.

- (A) **Location.** Buffer yards shall be located along the perimeter of a lot or parcel. Where a parcel extends into the center line of an existing road, the buffer yard shall be located along the ultimate right-of-way line of said road. Buffer yards shall extend to the lot line, parcel boundary of rights-of-way line, except where easements, covenants or natural features may require the buffer yard to be set back from the property line. Buffer yards shall be provided within the required minimum yard setback areas. If the minimum buffer width is larger than the yard setback, the minimum buffer width must be provided.
 - (1) In the case of driveways, parking areas, and accessory structures permitted within required yard setbacks, at least fifty (50) percent of the area of the required minimum yard setback area shall consist of permeable materials.
 - (2) If parking and/or loading is permitted within the required minimum yard setback area, then Section 560.13 "Parking Lot Landscaping and Screening Requirements" shall prevail.
- (B) **Screening Requirements in Buffer Yards.**
 - (1) Buffer yard requirements are stated in Attachment B. Buffer yard requirements are stated in terms of the number of plant units, fence, and/or berms required per one hundred (100) linear feet of buffer yard.
 - (2) Only those plant materials identified in Attachment C, or their equivalents as determined by the Zoning Administrator, shall satisfy the requirements of this Section.

- (3) Whenever a wall, fence, and/or berm is required within a buffer yard, these shall be provided in addition to the required number of plant units required by the Buffer Yard and Screening Matrix, and as shown in Attachment B, wherein the buffer yard specifications are provided.

560.08 Use of Buffer Yards. A buffer yard may be used for passive recreation and it may contain pedestrian, bicycle or equestrian trails, provided that: a) no plant materials is eliminated, b) the total width of the buffer is maintained, and c) all other regulations of this Ordinance are met. Utility easements may be included within buffer yards provided that the utility requirements and buffer yard requirements are compatible and canopy trees are not planted within said easement. Required vehicular entrances may cross a buffer yard.

560.09 Buffer Yard Waivers and Modifications. Buffer yard requirements may be waived or modified by the Zoning Administrator in any of the following circumstances. The Zoning Administrator may attach conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this Section.

- (A) Where the strict provisions of this Section would reduce the usable area of a lot configuration or size to a point which would preclude a reasonable use of the lot, buffer yards may be waived or modified by the Zoning Administrator where the side of a building and/or the land between that building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscape techniques.
- (B) The Zoning Administrator may waive or modify buffer yard requirements where the topography of the lot providing the buffer yard and the lot being protected is such that a buffer yard would not be effective.
- (C) The Zoning Administrator may waive or modify buffer yard requirements for single family attached dwelling units where a six (6) foot fence has been provided to enclose a privacy yard on all sides, and such fence is architecturally designed and coordinated with landscape techniques to minimize adverse impact to adjacent properties.
- (D) Buffer yards may be waived or modified for any public use when such use has been specifically designed to minimize adverse impact on adjacent properties.

- (E) Buffer yard Exceptions. When a land use is proposed adjacent to a lake, wetland, or other natural area, which is to remain undeveloped, and which is at least three hundred (300) feet in width, the Zoning Administrator may waive the buffer requirements provided the intent of these regulations is preserved.

560.10 Maintenance.

- (A) The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscape materials and screening as may be required by the provisions of this Section.
- (B) All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.
- (C) Fences and walls shall be maintained in good repair. Openings within the barriers may be required by the Zoning Administrator for accessibility to an area for necessary maintenance.

560.11 Bond/Cash Deposit Requirements. In lieu of installation of the landscape materials prior to occupancy, the applicant may post a bond acceptable to the County, conditioned upon satisfactory installation of the landscaping proposed in the landscape plan.

560.12 Appeals. Any person aggrieved by a decision of the Zoning Administrator may appeal such decision in accordance with the provisions of Section 1102.1.1.

560.13 Parking Lot Landscaping and Screening Requirements.

- (A) **General:** Parking lot landscape and screening plan shall comply with the general standards in Section 560.03 and 560.04.
 - (1) Existing vegetation which is suitable for use in compliance with the requirements of this Section, when supplemented so as to provide planting and screening in accordance with the purpose and intent of this Section, may and should be used as required planting.

Additionally, vegetation which fulfills the requirements set forth herein for parking lot screening may also be counted toward fulfilling the requirements for buffer yards set forth in other

sections of these regulations.

- (2) When non-residential parking lots adjoin land zoned for residential use, there shall be an opaque barrier constructed to provide a separation between the two uses. This can be achieved by a solid type fence no less than four (4) feet in height, or with densely planted shrubs and berms to provide a visual barrier. Berms shall not exceed a slope of 3:1.

(B) Interior Parking Lot Landscaping.

- (1) Any parking lot, excepting single bay parking lots of twenty (20) spaces or less, shall be provided with landscaped open space within the perimeter of the parking area or areas, in the minimum rate of one canopy tree per ten (10) spaces which shall be so located that no parking space edge is more than eighty (80) feet from a portion of the landscaped open space or parking island nor eighty (80) feet from a canopy tree required by this Section 560.13(C) below, and transitional screening as may be required by Section 560.06 and 560.07. Landscaped areas between parking areas and buildings shall not be considered as interior landscaping. Notwithstanding the foregoing, any parking lot with a width of 120 feet or less and a length of 135 feet or less shall not be required to provide landscape open space within the perimeter of the parking areas.
- (2) The primary landscaping materials used in parking lots shall be large canopy trees which provide shade or are capable of providing shade at maturity. Where possible, grouping of such trees is encouraged. Shrubs and other live planting materials may be used to complement the tree landscaping.
- (3) The landscaping areas shall be reasonably dispersed throughout the parking lot, and shall have a minimum width of six (6) feet measured from back of curb. There shall be a minimum six (6) foot wide curbed landscape island at the end of every row of parking - equal in length to the adjoining parking space.
- (4) There shall be a minimum of one (1) canopy tree per required landscape island. Two canopy trees per landscape island are required where opposite bays align. (see Figure L in Attachment D).
- (5) The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein; in any case a landscaped island shall be protected with a six (6) inch

minimum curb.

- (6) Areas used principally for storage of vehicles do not require interior islands if such areas are screened from adjacent properties and public streets in accordance with Section 560.06 and 560.07.

(C) **Peripheral Parking Lot Landscaping.** If any parking lot contains ten (10) or more spaces and is within the required minimum yard setback area, peripheral parking lot landscaping shall be required as follows:

- (1) When the property line abuts land not in the right-of-way of a street:
 - (a) Except where otherwise stated in this Ordinance, a landscaping strip ten (10) feet in width measured from the edge of pavement, shall be located between the parking lot and the abutting property lines, except where driveways or other openings may necessitate other treatment.
 - (b) Parking and circulation lanes shall be screened with either berming, landscaping, or a combination of both to a minimum height of thirty (30) inches. Berming height of thirty inches shall not exceed a minimum slope of 3:1.
 - (c) All service areas shall be screened from view through the use of evergreen plant materials and masonry screen walls compatible with the building design. Service area screen walls shall be softened with climbing vines, shrubs, or other plant materials, which provide color and texture. Plantings shall reach a minimum mature height of four (4) feet and totally screen at least 75% of any one wall surface (exclusive of gates). (see Figure P in Attachment D).
 - (d) All utility equipment (i.e. meters, transformers, etc.) not within the screened service area shall have a natural evergreen planting screen provided.
 - (e) Peripheral plantings shall include six (6) shrubs per forty (40) feet, one of, or a combination of the following:
 - (1) One understory tree per fifteen (15) linear feet;

- (2) One canopy tree per thirty-five (35) linear feet.

The above requirements shall not be construed as requiring the planting of trees on 15 or 35 foot centers.

- (2) Where the property line abuts the right-of-way of a street:

- (a) Except where otherwise stated in this Ordinance, a landscaping strip ten (10) feet in width, exclusive of a required sidewalk or trail, shall be located between the parking lot and the property line.
- (b) Parking and circulation lanes shall be screened with either berming, landscaping, or a combination of both to a minimum height of thirty (30) inches. Berming height of thirty inches shall not exceed a minimum slope of 3:1.
- (c) All service areas shall be screened from view through the use of evergreen plant materials or masonry screen walls compatible with the building design. Service area screen walls may be softened with climbing vines, shrubs, or other plant materials which provide color and texture. Plantings shall reach a minimum mature height of four (4) feet and totally screen at least 75% of any one wall surface (exclusive of gates). (see Figure P in Attachment D).
- (d) All utility equipment (i.e. meters, transformers, etc.) not within the screened service area shall have a natural evergreen planting screen provided.
- (e) At least one (1) tree for each twenty-five (25) feet shall be planted in the landscaping strip; however, this shall not be construed as requiring the planting of trees on twenty-five foot centers.
- (f) Where peripheral landscaping required by this Section conflicts with street planting regulations of the Virginia Department of Highways and Transportation, the more restrictive standards shall apply.

- (D) **Requirements for Parking Lots in Residential Districts.** Where parking lots for more than ten (10) cars are permitted or required in residential districts, the following provisions shall be complied with:

- (1) The lot may be used only for parking and not for any type of commercial loading, sales, dead storage, repair work, dismantling or servicing.
- (2) A strip of land ten (10) feet wide adjoining any street line or any lot zoned for residential uses shall be reserved as landscaped open space, guarded with wheel bumpers or curb and gutter and planted in grass and/or shrubs.

BUFFER YARD AND SCREENING MATRIX - ATTACHMENT A
 April 9, 1990

		ADJACENT LAND USE CATEGORIES												
PROPOSED LAND USE CATEGORIES		1	2	3	4	5	6	7	8	9	10	11	12	13
Group 1	N/A													
Single Family Dwelling Detached														
Group 2														
Single Family Dwelling Attached														
Two Family Dwelling														
Group 3														
Multiple Family Dwellings														
Congregate Housing Facility for the Elderly														
Nursing Home														
Orphanages and other similar charitable institutions														
Group 4														
Day Care Centers														
Churches, Chapels														
Nursery Schools														
Elementary Schools														

ATTACHMENT A (1)

BUFFER YARD AND SCREENING MATRIX - ATTACHMENT A
 April 9, 1990

ADJACENT LAND USE CATEGORIES

PROPOSED LAND USE CATEGORIES	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 5 Middle and High Schools College or University Institutions for Special Education Community & Recreation Centers, and Libraries Auditoriums, Performing Arts Centers and Assembly Halls, and Theaters (Indoor) Municipal and Governmental Buildings and Structures Paramedic and Ambulance Stations, free standing Medical Care Facilities Hospitals	2	2	2	2	2	2	3	3	4	4	4	4	N/A
Group 6 Financial Institutions Offices General Business Services Retail Sales, Inside display only Health & Fitness Centers Funeral Homes and Crematoria	2	2	2	2	2	N/A	N/A	N/A	N/A	3	4	4	4N/A
Group 7 Feature Restaurant Family Restaurant Hotels and Motels	3	3	3	3	3	N/A	N/A	N/A	N/A	3	4	4	4N/A

BUFFER YARD AND SCREENING MATRIX - ATTACHMENT A
 April 9, 1990

ADJACENT LAND USE CATEGORIES

PROPOSED LAND USE CATEGORIES	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 8 Drive-In Banks Fast Food Establishments Drive Through Restaurant Gasoline Service Stations Car Wash Retail Sales, with outside display Mobile Home Sales and Service Automobile Sales and Service	3	3	3	3	3	2	N/A	N/A	N/A	N/A	4	4	4N/A
Group 9 Utility Transmission Facilities Public Utility Service and Storage Yards Telecommunication Facilities Radio & Television Broadcasting Stations, including Recording Studios Municipal or Governmental Storage Yards & Related Facilities Water Treatment and Distribution facilities Kennels, outdoors	4	4	4	4	4	4	4	N/A	N/A	4	4	4	4N/A

Attachment A (3)

BUFFER YARD LAND SCREENING MATRIX - ATTACHMENT A
 April 9, 1990

ADJACENT LAND USE CATEGORIES

PROPOSED LAND USE CATEGORIES	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 10													
Bus, Rail, and Truck Terminals	4	4	4	4	4	4	4	4	4	4	4	4	4
Long Term Vehicle Storage													
General Warehouses & Storage Facilities													
Newspaper Offices and Distribution Services													
Mini-Warehouses													
Lumber & Building Material Yard and Storage Facilities													
Wholesale Trade Offices and Storage Facilities													
Heavy Equipment Sale, Rental, and Service													
Sand, Gravel, Coal & Earth Sales and Storage Facilities													
Boat Sales, Storage and Service													
Recycling Center													
Group 11													
Wholesale Printing	4	4	4	4	4	4	4	4	4	4	4	4	4
Laundry, Cleaning, and Dyeing Plants													
Facilities for Manufacturing, Processing, Assembly, Packaging, Bottling, and Canning													

BUFFER YARD AND SCREENING MATRIX - ATTACHMENT A
 April 9, 1990

ADJACENT LAND USE CATEGORIES

PROPOSED LAND USE CATEGORIES	1	2	3	4	5	6	7	8	9	10	11	12	13
Group 12 Asphalt, concrete or Redi Mix Plants General Construction Companies, including Hauling, Road Paving, Roofing, and Sewer Metal Fabrication Shops Metal Salvage and Open Storage Yards and Operations Slaughter Houses Outdoor Movie Theaters Planing or Saw Mills Forging Plants Rifle and Pistol Range, outdoor Sewerage Treatment Facilities Sanitary Landfills Rendering or Tanning Plants Petroleum or Chemical Refining or Production Ship Yards and Boat Manufacture Junk Yards Fuel Sales	4	4	4	4	4	4	4	4	4	4	4	4	4
Group 13 Farming, including livestock and horticultural activities Fur Bearing Animal Raising Stables and Equine Centers	2	2	2	2	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

**BUFFER YARD
TYPE 1**

FRONT YARD BUFFER WIDTH

10' Minimum

REQUIRED PLANT UNITS
PER 100 LINEAL FEET

2 Canopy Tree(s)
0 Understory Trees
0 Shrubs
0 Evergreen Trees

REAR YARD BUFFER WIDTH

10' Minimum

1 Canopy Tree(s)
4 Understory Trees
6 Shrubs
0 Evergreen Trees

SIDE YARD BUFFER WIDTH

5' minimum

0 Canopy Tree(s)
4 Understory Trees
6 Shrubs
0 Evergreen Trees

**BUFFER YARD
TYPE 2**

FRONT YARD BUFFER WIDTH

15' Minimum

REQUIRED PLANT UNITS
PER 100 LINEAL FEET

3 Canopy Tree(s)
2 Understory Trees
10 Shrubs
0 Evergreen Trees

REAR YARD BUFFER WIDTH

20' minimum

2 Canopy Tree(s)
6 Understory Trees
10 Shrubs (75% of which
must be evergreens)
0 Evergreen Trees

SIDE YARD BUFFER WIDTH

15' minimum

2 Canopy Tree(s)
3 Understory Trees
8 Shrubs (75% of which
must be evergreens)
0 Evergreen Trees

**BUFFER YARD
TYPE 3**

FRONT YARD BUFFER WIDTH

20' Minimum

REQUIRED PLANT UNITS
PER 100 LINEAL FEET

3 Canopy Tree(s)
3 Understory Trees
24 Shrubs
0 Evergreen Trees

REAR YARD BUFFER WIDTH

25' minimum

4 Canopy Tree(s)
7 Understory Trees
30 Shrubs (75% of which must be
evergreens)
0 Evergreen Trees

SIDE YARD BUFFER WIDTH

20' minimum

2 Canopy Tree(s)
5 Understory Trees
20 Shrubs
0 Evergreen Trees

STRUCTURE REQUIRED IN REAR
YARD

An eight foot high stockade
fence, providing a minimum
opacity of 95%, or a six foot high
masonry wall.

BERM REQUIRED ADJACENT TO
AN ARTERIAL ROAD

(SECTION 560.06 E2)

An earthen berm with a minimum
height of four feet with a slope not
to exceed 3:1 planted with turf or
ground cover material.

**BUFFER YARD
TYPE 4**

FRONT YARD BUFFER WIDTH

20' Minimum

REQUIRED PLANT UNITS
PER 100 LINEAL FEET

4 Canopy Tree(s)
3 Understory Trees
20 Shrubs
0 Evergreen Trees

REAR YARD BUFFER WIDTH

30' minimum

4 Canopy Tree(s)
7 Understory Trees
15 Shrubs
10 Evergreen Trees

SIDE YARD BUFFER WIDTH

20' minimum

2 Canopy Tree(s)
3 Understory Trees
25 Shrubs
6 Evergreen Trees

STRUCTURE REQUIRED IN REAR
AND SIDE YARD

A six foot high masonry wall
(poured concrete, cement block,
brick, etc.) providing a minimum
opacity of 95%, or a stockage
fence.

CANOPY TREE:

A deciduous tree, usually single trunked, with a definitely formed crown of foliage, which attains a mature height of at least 30 feet. Preferred species include, but are not limited to:

Common Name

American Sycamore
Crimson King Maple
English Oak
Ginkgo (Male)
Japanese Pagoda Tree
Japanese Zelkova
Littleleaf Linden
London Plane Tree
Norway Maple
Pin Oak
Red Oak
Red Maple
Silver Linden
Sugar Maple
Sweet Gum
Thornless Honey Locust
Willow Oak
Yellowwood

Botanical Name

Platanus occidentalis
Acer plantanoides Crimsom King
Quercus robur
Ginkgo bilboa
Sophora japonica
Zelkova serrata
Tilia cordata
Plantanus acerifolia
Acer platanoides
Quercus palustris
Quercus borealis
Acer rubrum
Tilia tomentosa
Acer saccharum
Liquidambar styraciflua
Gleditsia triacanthos inermis
Quercus phellos
Cladrastis lutea

EVERGREEN TREES:

A non-deciduous tree used for the purposes of screening, weather barrier, or accent planting. Preferred species include, but are not limited to:

Common Name

Botanical Name

American Holly

Ilex opaca

Austrian Pine

Pinus nigra

Dark American Arborvitae

Thuja occidentalis nigra

Eastern Red Cedar

Juniperus virginiana

Norway Spruce

Picea abies

White Pine

Pinus strobus

ATTACHMENT C (2)

UNDERSTORY TREE:

A deciduous or evergreen tree which attains a mature height of no greater than 30 feet. Understory trees often times prefer shade and grow naturally under a canopy of larger trees. Preferred species include, but are not limited to:

Common Name

Botanical Name

American Plum	Prunus americana
Amur Maple	Acer griseum
Bradford Pear	Pyrus calleryana bradford
Dogwood	Cornus florida
Downy Serviceberry	Amelanchier arborea
Flowering Cherry	Prunus (various species)
Flowering Crabapple	Malus (various species)
Golden Raintree	Koelreuteria
Golden Chain	Laburnum Vossi
Japonica Regent	Sophora japonica regent
Purple Leaf Plum	Prunus cerasifera bliricana
Red Bud	Cercus canadensis
Shadblow	Amelanchier canadensis
Washington Hawthorne	Crataegus plaenopyrum

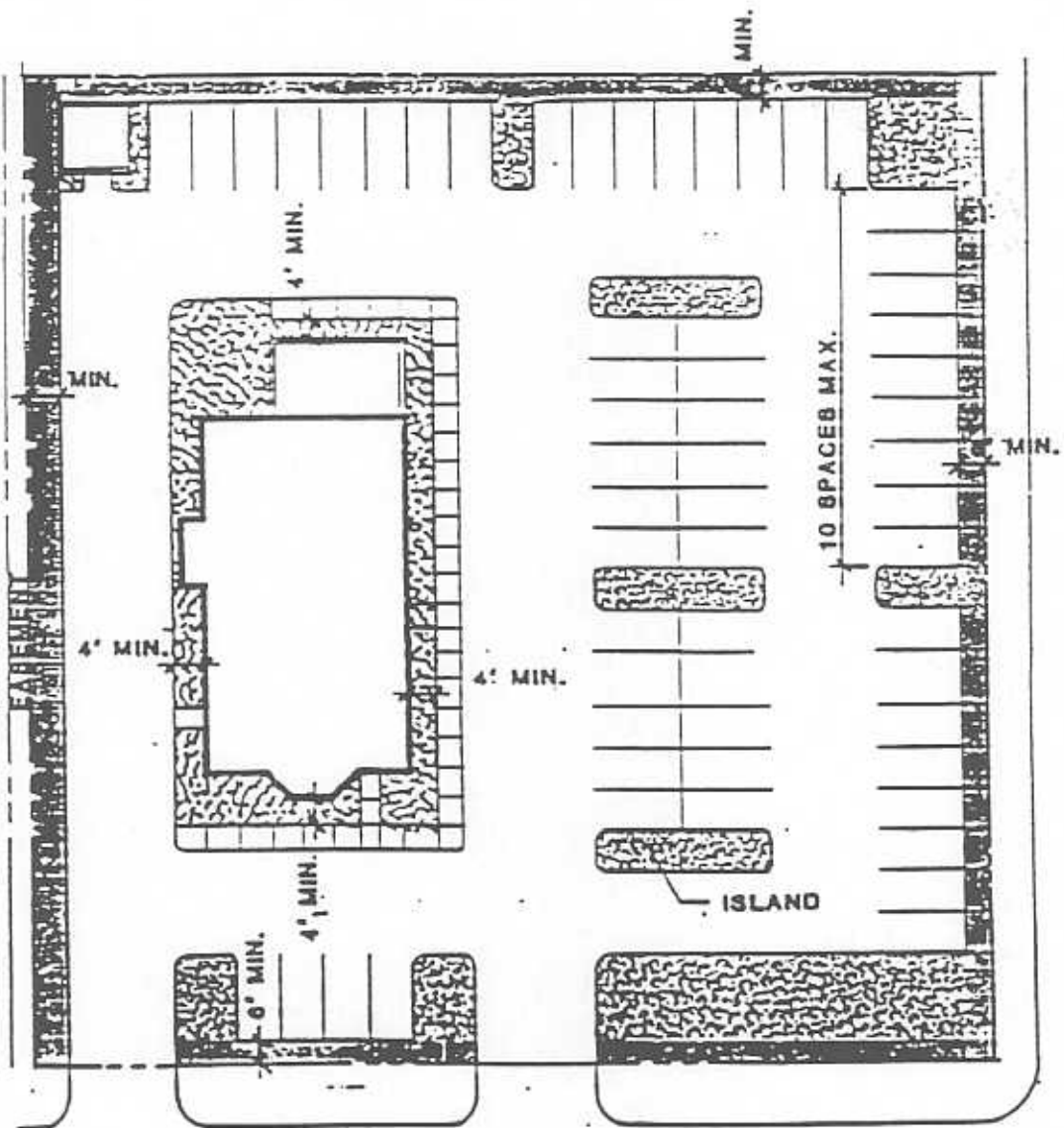
SHRUB:

An evergreen multi-trunked woody plant that usually attains a mature height of no greater than 10 feet. Preferred species include, but are not limited to:

<u>Common Name</u>	<u>Botanical Name</u>
Azalea	various species
Cotoneaster	various species
Chinese Holly	Llex cornuta
English Yew	Taxus baccata
Euonymus	various species
Japanese Holly	Llex crenata
Japanese Yew	Taxus cuspidata
Rhododendron	various species
Viburnum	various species
Winged Euonymus	various species

TK:spt
tim/buffer2.txt

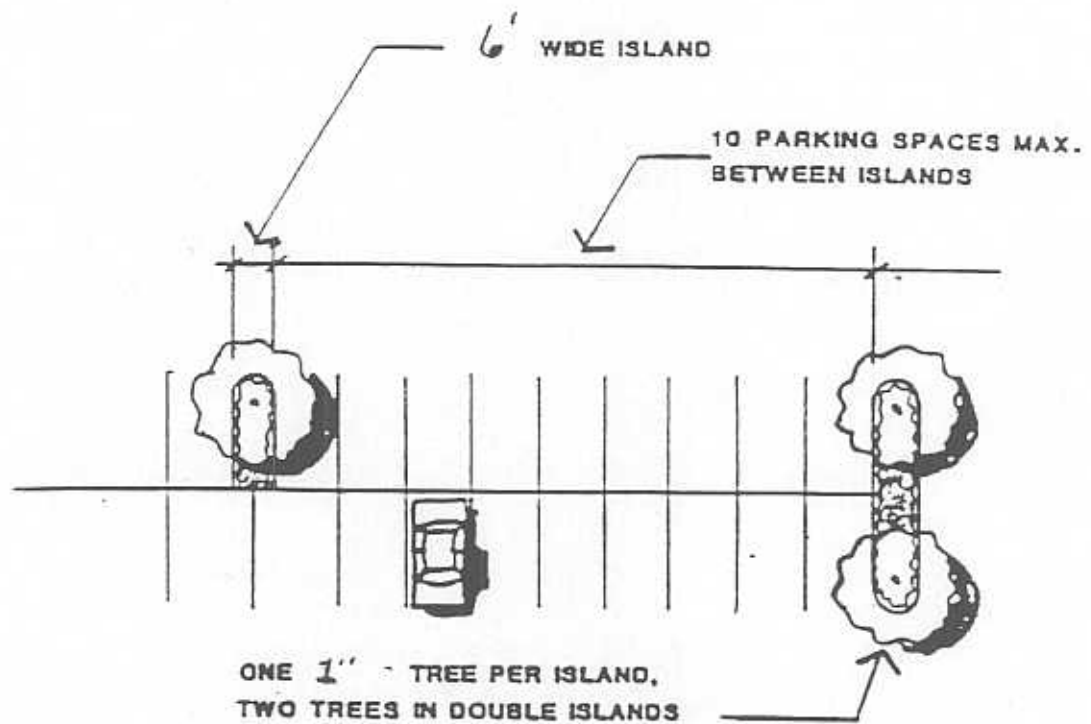
ATTACHMENT C (H)



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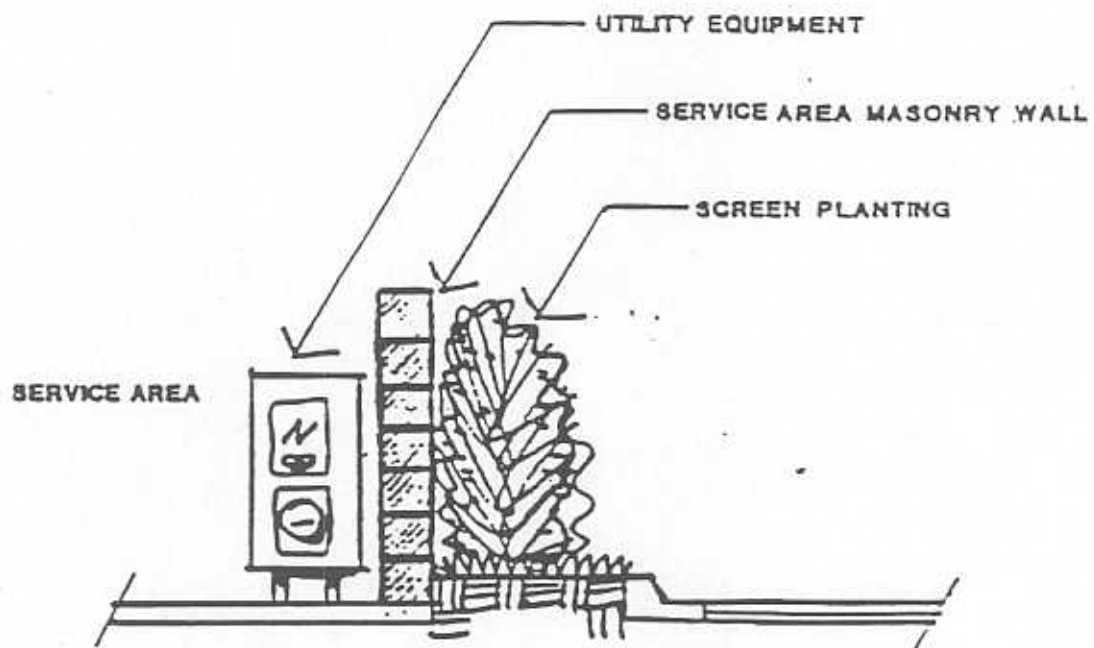
LANDSCAPE AREAS DEFINED

FIGURE 'J'



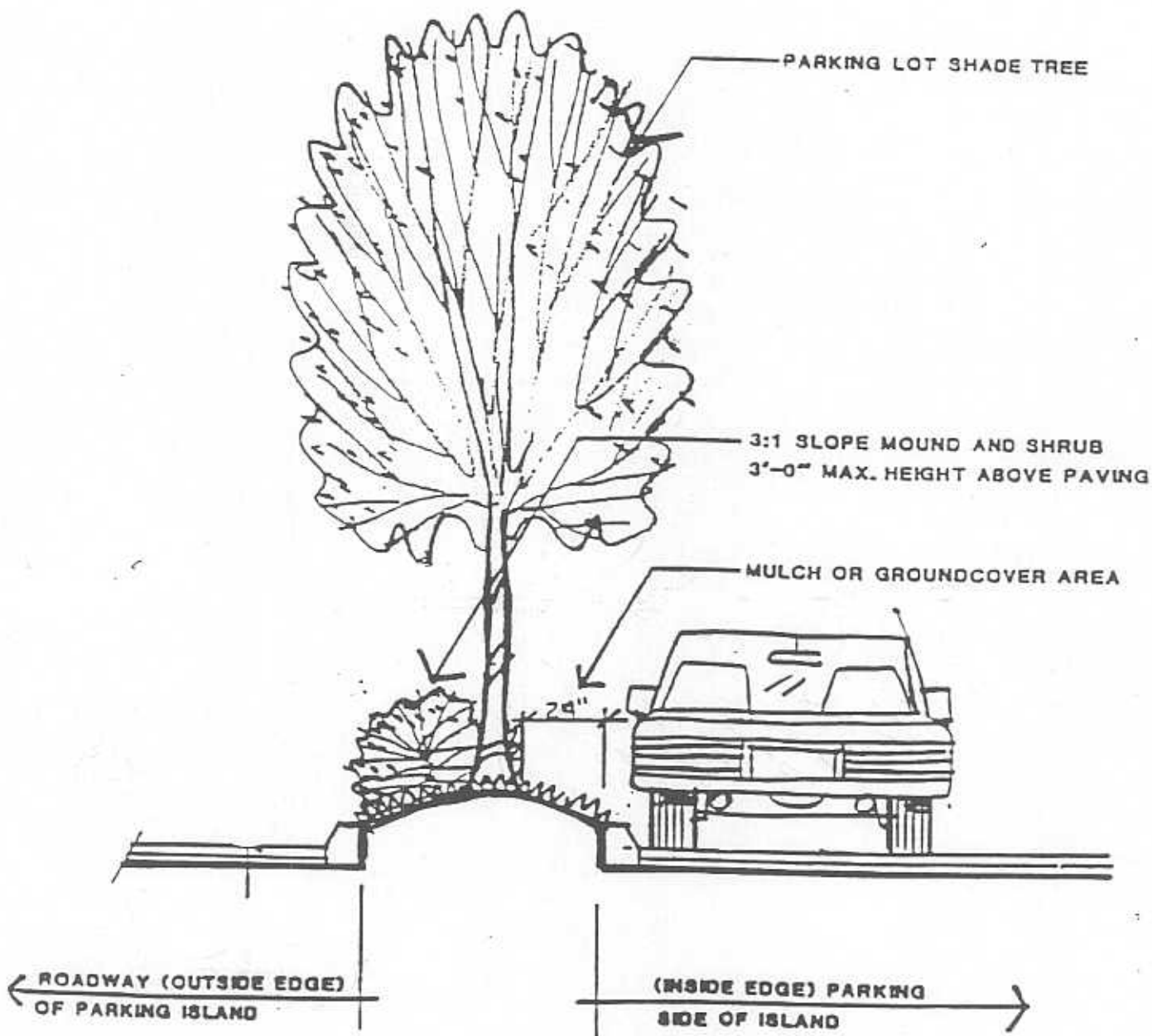
PARKING AREA LANDSCAPE

FIGURE 'K'



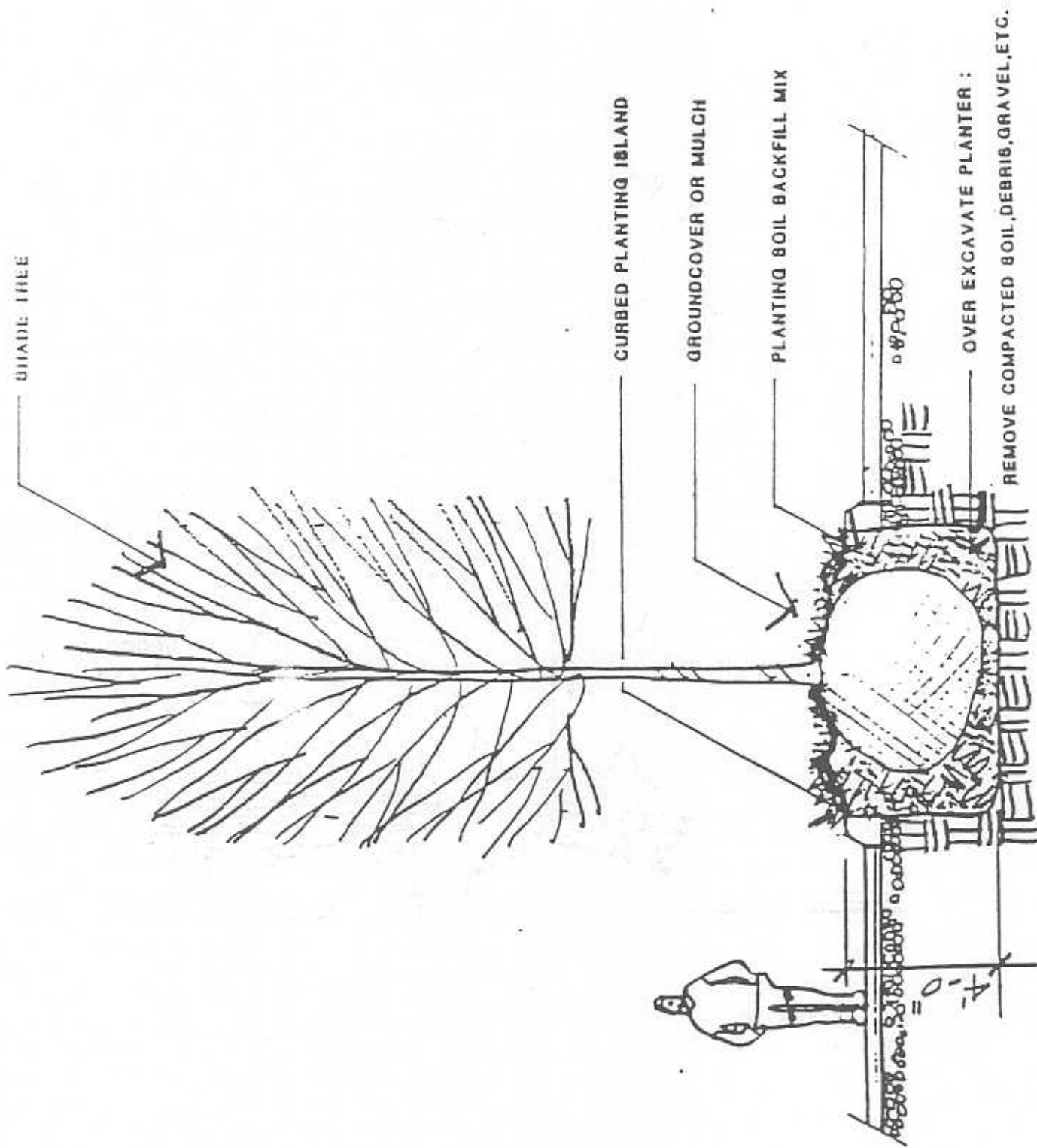
SERVICE AREA SCREENING

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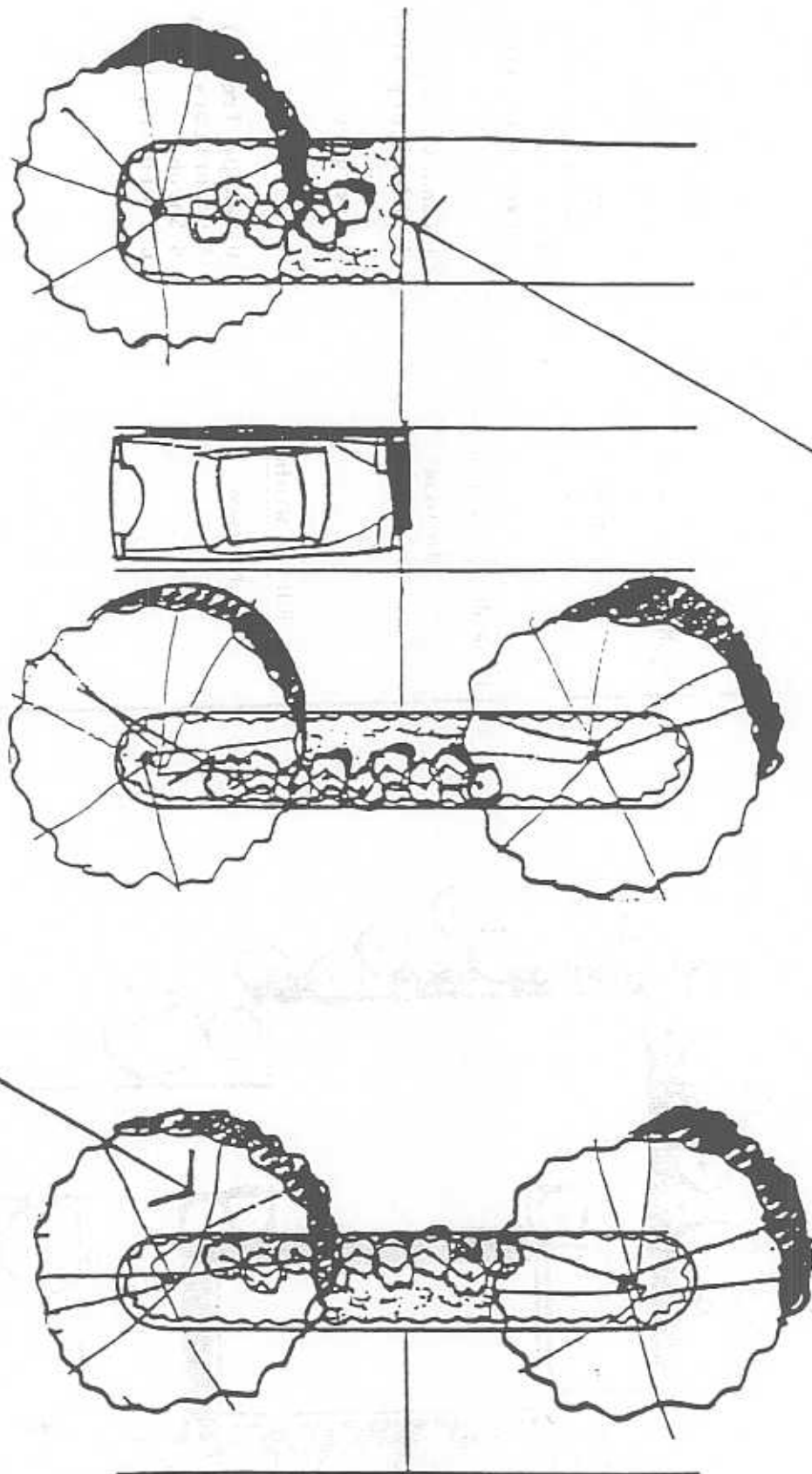
ATTACHMENT D (4)

FIGURE 'M'



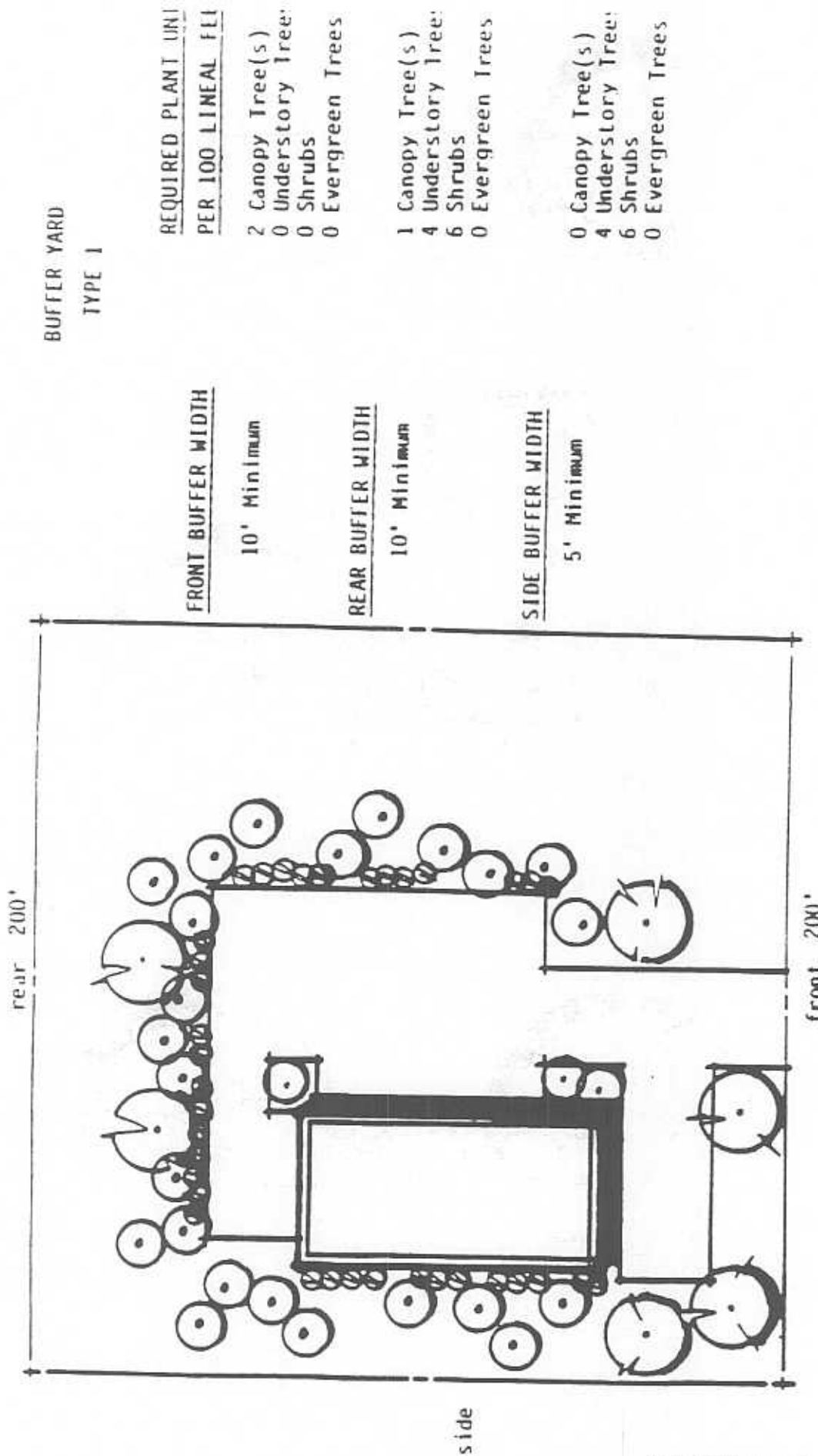
PARKING ISLAND PLANTER

TWO TREES PER DOUBLE ISLAND



ONE TREE PER SINGLE ISLAND

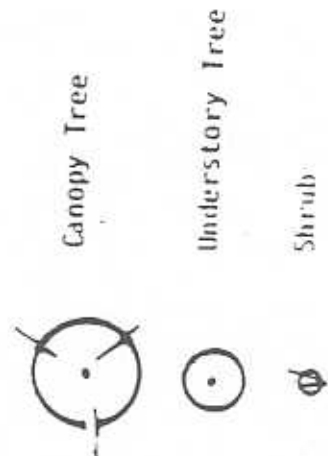
REMOVING AREA 1 AND SCAD 101 AND 102

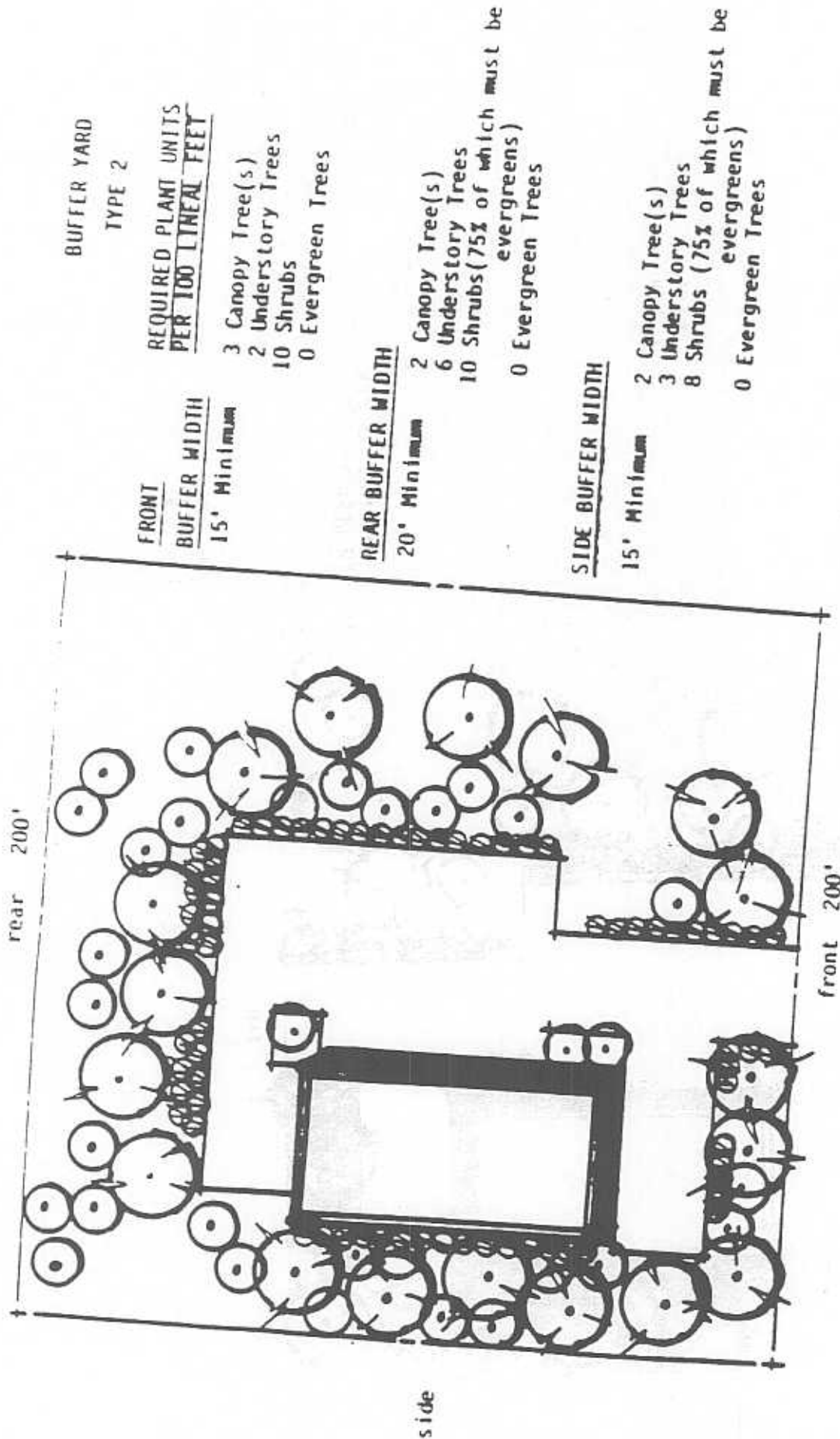


**BUFFER YARD
TYPE 1**

**REQUIRED PLANT UNITS
PER 100 LINEAL FEET**

2 Canopy Tree(s)	1 Canopy Tree(s)	0 Canopy Tree(s)
0 Understory Tree	4 Understory Tree	4 Understory Tree
0 Shrubs	6 Shrubs	6 Shrubs
0 Evergreen Trees	0 Evergreen Trees	0 Evergreen Trees





BUFFER YARD TYPE 2

REQUIRED PLANT UNITS PER 100 LINEAL FEET

- 3 Canopy Tree(s)
- 2 Understory Trees
- 10 Shrubs
- 0 Evergreen Trees

FRONT BUFFER WIDTH

15' Minimum

REAR BUFFER WIDTH

20' Minimum

- 2 Canopy Tree(s)
- 6 Understory Trees
- 10 Shrubs (75% of which must be evergreens)
- 0 Evergreen Trees

SIDE BUFFER WIDTH

15' Minimum

- 2 Canopy Tree(s)
- 3 Understory Trees
- 8 Shrubs (75% of which must be evergreens)
- 0 Evergreen Trees



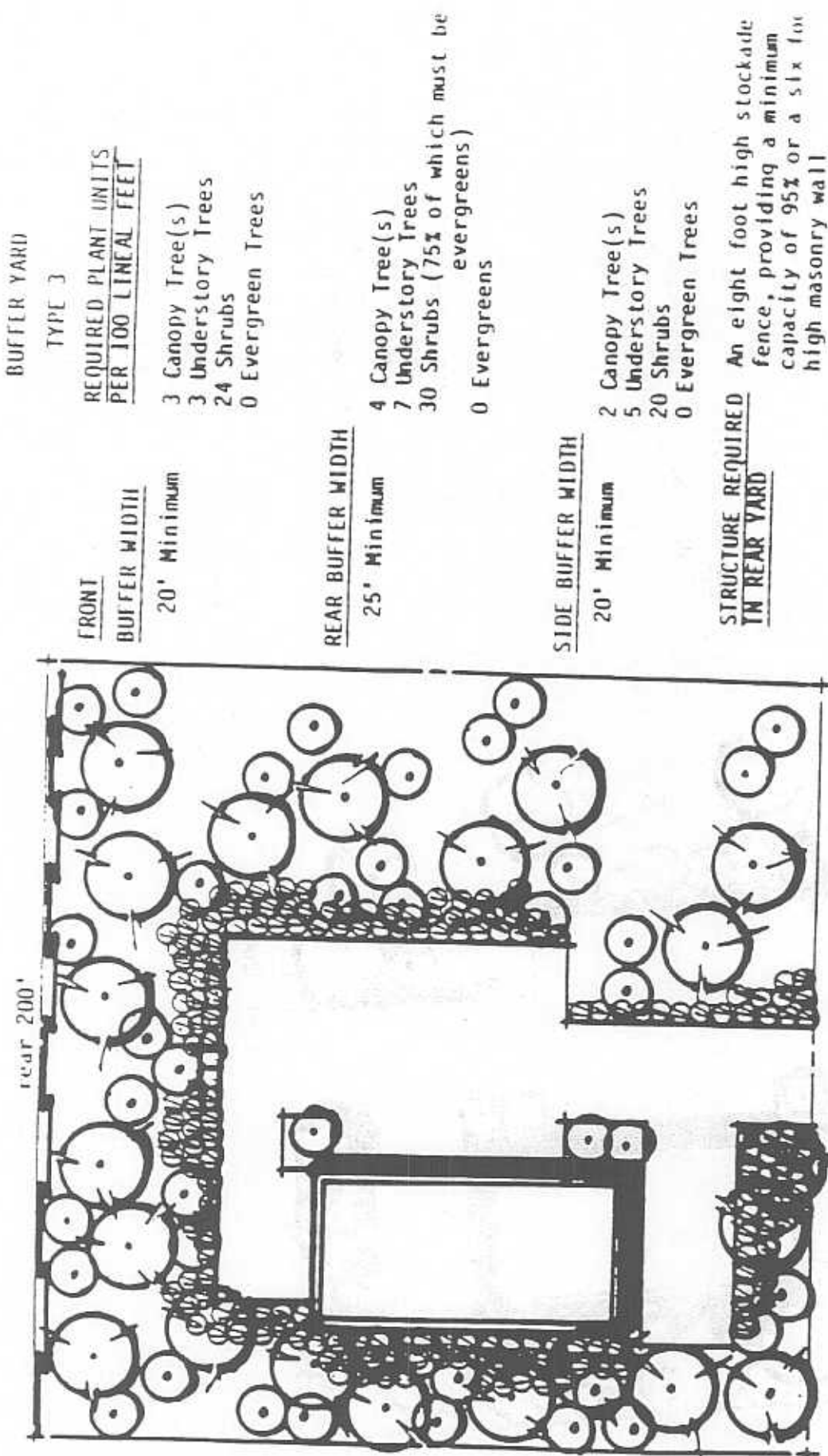
Canopy Tree



Understory Tree



Shrub



BUFFER YARD

TYPE 3
REQUIRED PLANT UNITS
PER 100 LINEAL FEET

3 Canopy Tree(s)
3 Understory Trees
24 Shrubs
0 Evergreen Trees

FRONT
BUFFER WIDTH

20' Minimum

REAR BUFFER WIDTH

25' Minimum

4 Canopy Tree(s)
7 Understory Trees
30 Shrubs (75% of which must be
evergreens)
0 Evergreens

SIDE BUFFER WIDTH

20' Minimum

2 Canopy Tree(s)
5 Understory Trees
20 Shrubs
0 Evergreen Trees

STRUCTURE REQUIRED
IN REAR YARD

An eight foot high stockade
fence, providing a minimum
capacity of 95% or a six foot
high masonry wall



Canopy Tree



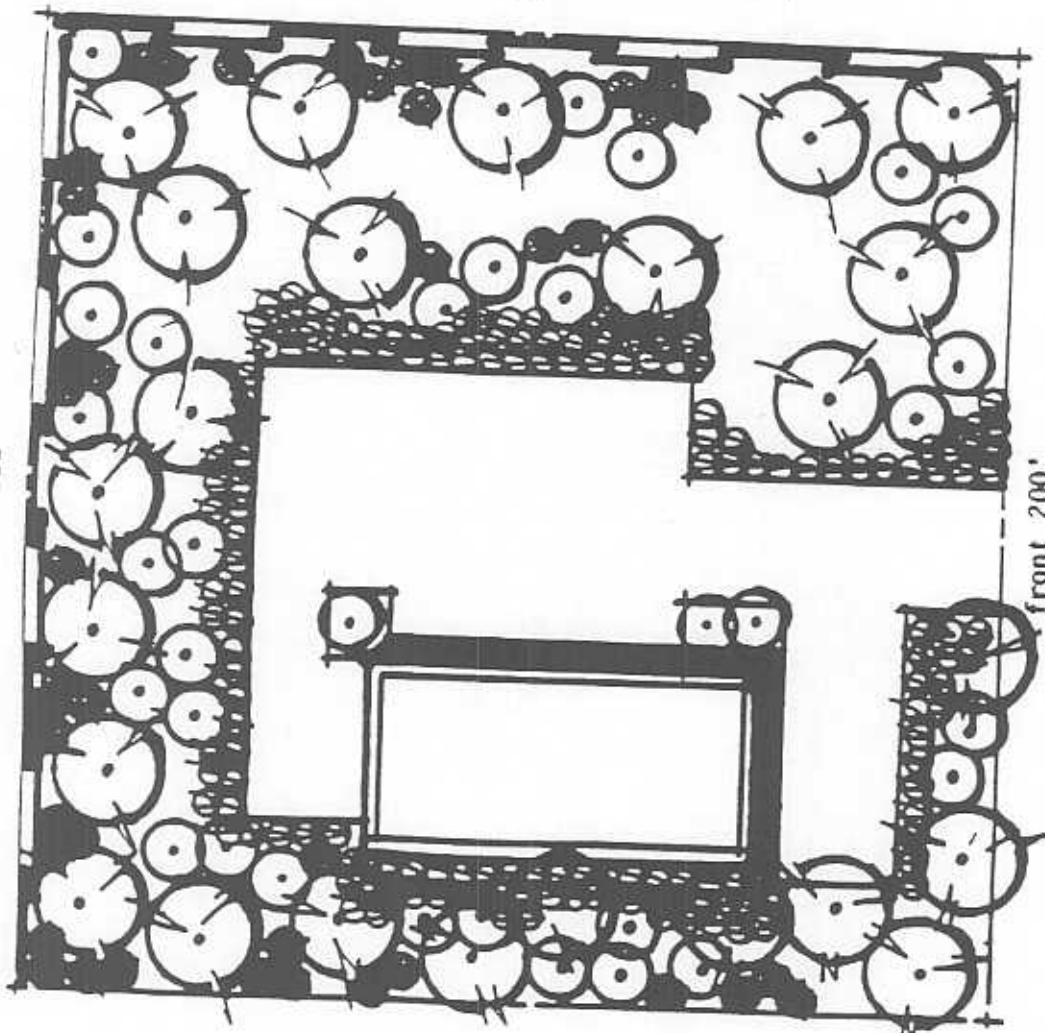
Understory Tree



Shrub

side

rear 200'



side

BUFFER YARD

TYPE 4

REQUIRED PLANT UNITS PER 100 LINEAL FEET

- 4 Canopy Tree(s)
- 3 Understory Trees
- 20 Shrubs
- 0 Evergreen Trees

REAR

BUFFER WIDTH 30' Minimum

- 4 Canopy Trees(s)
- 7 Understory Trees
- 15 Shrubs
- 10 Evergreen Trees

SIDE BUFFER WIDTH

- 20' Minimum
- 2 Canopy Tree(s)
- 3 Understory Trees
- 25 Shrubs
- 6 Evergreen Trees

STRUCTURE REQUIRED IN REAR AND SIDE YARD

A six foot high masonry wall (poured concrete, cement block, brick, etc. providing a minimum capacity of 95% or a stockade fence.



Canopy Tree



Understory Tree



Shrub



Evergreen

ZOAM 91-01

Amendment to Allow Educational Institutions
in the PD-OP and PD-IP Districts

Sections 711.3.1 & 722.3.2, & Article 10, Definitions

Adopted February 19, 1991

Article 7, PD-Office Park:

711.3.1 Permissible Principal Uses and Structures

add: Educational Institution

Article 7, PD-Industrial Park:

722.3.2 Permissible Permitted Uses and Structures

add: Educational Institution

Article 10, Definitions:

add: Educational Institution

Any college, university, secondary or higher education facility with no on-campus housing facility which meets applicable state requirements to award degrees and primarily teaches usable skills that prepare students for employment in a profession or trade.

ZOAM 91-03

Amendment to Revise Section 607.2.6
Locational and Site Development Criteria for Hospitals
(text changes in italics and bold)

Locational Criteria

1. All hospitals shall be located in one of the following areas:
 - * *Urban Growth and Rural Fringe Areas, as designated by the County's adopted comprehensive plans.*
 - * Areas designated for institutional uses by an Area Plan.
2. Hospitals shall meet the following frontage requirements:

All hospitals shall have frontage on a State or town (publicly) maintained, hard surfaced road which is capable of adequately accommodating the traffic generated by such uses.
3. Hospitals (structures) shall be set back a minimum of 250 feet from County designated Agricultural-Forestal Districts. Additional setbacks may be required based on the consideration of the following criteria:
 - a. Proximity to agricultural and forestal operations;
 - b. Nature and extent of agricultural and forestal operations; and
 - c. Potential conflicts between hospitals and agricultural uses due to dangerous, noxious, or offensive impacts from agricultural and forestal uses, including, but not limited to, noise, odor, dust, chemical application, runoff, and traffic.

Site Development Criteria

1. Major hospitals shall be served by a central wastewater treatment facility.
2. Principal structures shall be set back a minimum of 100 feet from property lines which adjoin agricultural or residential land uses and districts. *In any case, the required yard(s) must meet minimum district standards.*
3. Accessory structures and parking shall be set back a minimum of 50 feet from side and rear property lines which adjoin agricultural and/or residential districts, provided that the minimum setback may be reduced to 25 feet if adequate screening and buffering are provided. *In any case, the required yard(s) for accessory structures and parking must meet minimum district standards.*

4. Parking requirements:

- * 1 space per 2 beds for in-patient services.
- * 1.5 spaces per 250 square feet for out-patient services.
- * *1.5 spaces per worker on the main shift*
- * *1 space for each doctor on the staff*

5. Minimum Area: *as per district regulations for the minimum lot size.*

Adopted August 6, 1991

November 18, 1992

ZOAM 1992-0006/Amendment to Zoning Ordinance/
Requirements for Public Hearing for Zoning Map
Amendments and Special Exceptions

1207 POSTING OF PROPERTY

Additional notice of public hearings involving zoning map amendments initiated pursuant to Section 1202.1 above, shall be provided by the applicant by means of signs posted on the property proposed for rezoning, in the manner prescribed in this Article and by means of written notice to the owner or owners or their agent, or the occupants of all abutting property or properties immediately across the street or road from the property affected. Said written notice shall be given at least five days before the hearing. If any portion of the property which is the subject of the zoning map amendment is within a planned development district then, in addition, written notice of a public hearing shall be given to such incorporated property owners' associations existing within the planned development district that has members owning property within two thousand feet of the subject property. Notice shall be sent by registered or certified mail to the last known address of the registered agent, as listed by the State Corporation Commission, of such incorporated property owners' association. Said written notice shall be given at least five days before the hearing.

The applicant shall certify in writing, at least five days prior to the public hearing, that notice was given pursuant to this section before a public hearing may be held on the application and such certification shall set forth the persons and property owners' associations receiving said notice.

In the case of an application for a special exception, the applicant shall first submit its proposal to the Zoning Administrator on a form to be provided by the Zoning Administrator, including therewith all plans and information relating to the application required by the Board of Supervisors pursuant to Section 15.1-496 of the Code of Virginia, 1950. The proposal shall then be advertised ~~and notice given~~ pursuant to ~~the provisions of Section 15.1-431 of the Code of Virginia~~ 1207 of this Ordinance prior to public hearing by the Planning Commission and/or Board of Supervisors, or directly to the Board of Supervisors pursuant to the provisions and requirements of this Ordinance.